

1 State of Arkansas
2 91st General Assembly
3 Fiscal Session, 2018
4

A Bill

SENATE BILL 38

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 WORKFORCE SERVICES FOR THE FISCAL YEAR ENDING JUNE
11 30, 2019; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT FOR THE DEPARTMENT OF WORKFORCE
15 SERVICES APPROPRIATION FOR THE 2018-2019
16 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Workforce Services for the 2018-2019 fiscal year, the following
24 maximum number of regular employees.
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26				Maximum Annual	
27			Maximum	Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2018-2019
30	(1)	U037U	DWS DIRECTOR	1	GRADE SE03
31	(2)	U070U	DWS DEPUTY DIRECTOR	2	GRADE SE01
32	(3)	U076U	DWS WORKFORCE INVESTMENT DIRECTOR	1	GRADE SE01
33	(4)	U036U	AR APPEALS TRIBUNAL CHAIRMAN	1	GRADE SE01
34	(5)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE IT08
35	(6)	D017C	INFORMATION SYSTEMS SEC SPECIALIST	1	GRADE IT07
36	(7)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	16	GRADE IT06



1	(8)	D022C SYSTEMS SPECIALIST	2	GRADE IT06
2	(9)	D061C INFORMATION SYSTEMS COORD SPECIALIST	2	GRADE IT05
3	(10)	D052C SOFTWARE SUPPORT ANALYST	7	GRADE IT05
4	(11)	D062C DATABASE ANALYST	1	GRADE IT04
5	(12)	D071C COMPUTER SUPPORT ANALYST	2	GRADE IT03
6	(13)	G007N DWS GENERAL COUNSEL	1	GRADE GS14
7	(14)	G017N DWS ASST DIR - TANF	1	GRADE GS13
8	(15)	N051N DWS ASST DIR, EMPLOYMENT ASSIST	1	GRADE GS13
9	(16)	N050N DWS ASST DIR, FINANCIAL MANAGEMENT	1	GRADE GS13
10	(17)	N049N DWS ASST DIR, INFO AND TECHNOLOGY	1	GRADE GS13
11	(18)	N074N DWS ASST DIR, UNEMPLOYMENT INS	1	GRADE GS13
12	(19)	A021C AGENCY CONTROLLER I	1	GRADE GS12
13	(20)	G016N DWS ASST DIR GRANTS RESOURCE ADMIN	1	GRADE GS12
14	(21)	A015C DWS DIR INTERNAL AUDIT & SECURITY	1	GRADE GS12
15	(22)	P007N DWS DIRECTOR OF COMMUNICATIONS	1	GRADE GS12
16	(23)	G020C DWS PROGRAM ADMINISTRATOR	3	GRADE GS12
17	(24)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
18	(25)	R006C HUMAN RESOURCES ADMINISTRATOR	1	GRADE GS12
19	(26)	A031C ASSISTANT CONTROLLER	3	GRADE GS11
20	(27)	G047C ATTORNEY SPECIALIST	2	GRADE GS11
21	(28)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
22	(29)	G073C ATTORNEY	8	GRADE GS10
23	(30)	G068C DWS AREA OPERATIONS CHIEF	7	GRADE GS10
24	(31)	R019C BUDGET MANAGER	1	GRADE GS09
25	(32)	G288C DWS DIVISION MANAGER	4	GRADE GS09
26	(33)	R015C DWS EQUAL OPPORTUNITY MANAGER	1	GRADE GS09
27	(34)	G243C DWS FIELD MANAGER III	2	GRADE GS09
28	(35)	G110C DWS PROGRAM MANAGER	7	GRADE GS09
29	(36)	G109C GRANTS MANAGER	1	GRADE GS09
30	(37)	G081C DWS DIVISION CHIEF	1	GRADE GS08
31	(38)	G128C DWS FIELD MANAGER II	18	GRADE GS08
32	(39)	G127C DWS PROGRAM OPERATIONS MANAGER	28	GRADE GS08
33	(40)	G114C DWS WORKFORCE INVEST REG ADVISOR	2	GRADE GS08
34	(41)	A066C INTERNAL AUDITOR	4	GRADE GS08
35	(42)	V007C PROCUREMENT COORDINATOR	1	GRADE GS08
36	(43)	X062C QUALITY ASSURANCE COORDINATOR	1	GRADE GS08

1	(44)	A060C SENIOR AUDITOR	2	GRADE GS08
2	(45)	E023C TRAINING PROJECT MANAGER	2	GRADE GS08
3	(46)	A089C ACCOUNTANT I	3	GRADE GS07
4	(47)	G138C AGENCY ADMINISTRATIVE REVIEW OFFICER	12	GRADE GS07
5	(48)	R024C ASSISTANT PERSONNEL MANAGER	1	GRADE GS07
6	(49)	A081C AUDITOR	7	GRADE GS07
7	(50)	G149C DWS FIELD MANAGER I	15	GRADE GS07
8	(51)	G181C DWS PROGRAM MONITOR	50	GRADE GS07
9	(52)	G209C DWS PROGRAM SUPERVISOR	41	GRADE GS07
10	(53)	G196C DWS SATELLITE OFFICE SUPERVISOR	9	GRADE GS07
11	(54)	A085C DWS SR FIELD TAX REPRESENTATIVE	3	GRADE GS07
12	(55)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	2	GRADE GS07
13	(56)	A075C FINANCIAL ANALYST I	2	GRADE GS07
14	(57)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
15	(58)	A073C PROGRAM/FIELD AUDITOR SUPERVISOR	2	GRADE GS07
16	(59)	E040C STAFF DEVELOPMENT COORDINATOR	2	GRADE GS07
17	(60)	C037C ADMINISTRATIVE ANALYST	26	GRADE GS06
18	(61)	R027C BUDGET SPECIALIST	9	GRADE GS06
19	(62)	A092C DWS FIELD TAX REP	16	GRADE GS06
20	(63)	C032C DWS UI CLAIM TECHNICIAN	20	GRADE GS06
21	(64)	X139C DWS UI INVESTIGATOR	12	GRADE GS06
22	(65)	G217C DWS WORKFORCE SPECIALIST	382	GRADE GS06
23	(66)	A074C FISCAL SUPPORT SUPERVISOR	6	GRADE GS06
24	(67)	R025C HUMAN RESOURCES ANALYST	2	GRADE GS06
25	(68)	G179C LEGAL SERVICES SPECIALIST	2	GRADE GS06
26	(69)	S017C MAINTENANCE COORDINATOR	1	GRADE GS06
27	(70)	A084C PROGRAM/FIELD AUDIT SPECIALIST	7	GRADE GS06
28	(71)	P027C PUBLIC INFORMATION SPECIALIST	1	GRADE GS06
29	(72)	B076C RESEARCH PROJECT ANALYST	13	GRADE GS06
30	(73)	E046C TRAINING INSTRUCTOR	23	GRADE GS06
31	(74)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	4	GRADE GS05
32	(75)	V014C BUYER	3	GRADE GS05
33	(76)	G220C DWS UNIT SUPERVISOR	5	GRADE GS05
34	(77)	A091C FISCAL SUPPORT ANALYST	21	GRADE GS05
35	(78)	S033C MAINTENANCE SUPERVISOR	4	GRADE GS05
36	(79)	S032C PRINT SHOP SUPERVISOR	1	GRADE GS05

1	(80)	V015C PURCHASING SPECIALIST	1	GRADE GS05
2	(81)	C056C ADMINISTRATIVE SPECIALIST III	15	GRADE GS04
3	(82)	A098C FISCAL SUPPORT SPECIALIST	24	GRADE GS04
4	(83)	R036C HUMAN RESOURCES SPECIALIST	6	GRADE GS04
5	(84)	C046C LEGAL SUPPORT SPECIALIST	11	GRADE GS04
6	(85)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
7	(86)	V022C PURCHASING TECHNICIAN	1	GRADE GS04
8	(87)	S031C SKILLED TRADESMAN	1	GRADE GS04
9	(88)	V023C STOREROOM SUPERVISOR	1	GRADE GS04
10	(89)	C073C ADMINISTRATIVE SPECIALIST II	11	GRADE GS03
11	(90)	S081C APPRENTICE TRADESMAN	2	GRADE GS03
12	(91)	X183C DWS CLAIMS ADJUDICATOR	7	GRADE GS03
13	(92)	S054C PRINTER	1	GRADE GS03
14	(93)	C087C ADMINISTRATIVE SPECIALIST I	18	GRADE GS02
15	(94)	S087C INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE GS01
16		MAX. NO. OF EMPLOYEES	958	

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18 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 19 to the Department of Workforce Services, to be payable from the Department of
 20 Workforce Services Trust Fund, for personal services and operating expenses
 21 of the Department of Workforce Services for the fiscal year ending June 30,
 22 2019, the following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2018-2019</u>
26	(01) REGULAR SALARIES	\$31,967,252
27	(02) EXTRA HELP	3,300,000
28	(03) PERSONAL SERVICES MATCHING	12,207,672
29	(04) OVERTIME	60,000
30	(05) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	21,335,741
32	(B) CONF. & TRAVEL	705,440
33	(C) PROF. FEES	4,000,000
34	(D) CAP. OUTLAY	2,419,001
35	(E) DATA PROC.	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$75,995,106</u></u>

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SECTION 3. APPROPRIATION - UNEMPLOYMENT BENEFITS AND EXPENSES - CASH.

There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, for unemployment benefit payments and other expenses including, disaster relief payments, training allowances, payments to participant contractors and Unemployment Insurance Trust Fund loan repayments by the Department of Workforce Services - Unemployment Benefits and Expenses - Cash for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) DISASTER RELIEF PAYMENTS	\$5,000,000
(02) FEDERAL EMPLOYEES BENEFIT PAYMENTS	75,000,000
(03) U I BENEFITS - REIMBURSABLE EMPLOYERS	30,000,000
(04) U I BENEFITS - TAXABLE EMPLOYERS	500,000,000
(05) TRAINING ALLOWANCES	5,000,000
(06) PAYMENTS TO PART CONTRACTORS	10,000,000
(07) UI ADVANCE REPAYMENT	<u>1</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$625,000,001</u></u>

SECTION 4. APPROPRIATION - ANNUAL ASSESSMENTS. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Special Fund, for payment of the annual assessment to maintain voting member rights in the National Association of Workforce Agencies by the Department of Workforce Services for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) ANNUAL ASSESSMENT	<u>\$26,000</u>

SECTION 5. APPROPRIATION - EXCESS UNEMPLOYMENT BENEFITS AND EXPENSES.

There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Special Fund, for construction, personal services and matching, maintenance and general

1 operating expenses for the Administration Building and all other agency owned
 2 buildings, building land acquisition, rent of buildings, and payment of
 3 unemployment benefits and expenses incurred in the administration of the
 4 Employment Security Law when such expenses exceed funds available from other
 5 sources by the Department of Workforce Services for the fiscal year ending
 6 June 30, 2019, the following:

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8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2018-2019</u>
10 (01) CONSTRUCTION	\$0
11 (02) RENT OF BUILDINGS	0
12 (03) PAYMENT/EXPENSES	<u>10,000,000</u>
13 TOTAL AMOUNT APPROPRIATED	<u><u>\$10,000,000</u></u>

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15 SECTION 6. APPROPRIATION - WORKFORCE INNOVATION AND OPPORTUNITY ACT.

16 There is hereby appropriated, to the Department of Workforce Services, to be
 17 payable from the federal funds as designated by the Chief Fiscal Officer of
 18 the State, for grant payments of the Workforce Innovation and Opportunity Act
 19 by the Department of Workforce Services for the fiscal year ending June 30,
 20 2019, the following:

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22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2018-2019</u>
24 (01) WORKFORCE INNOVATION AND OPPORTUNITY	
25 ACT PAYMENTS	<u><u>\$50,000,000</u></u>

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27 SECTION 7. APPROPRIATION - U I TRUST FUND INTEREST/UNEMPLOYMENT

28 INSURANCE. There is hereby appropriated, to the Department of Workforce
 29 Services, to be payable from the Employment Security Advance Interest Trust
 30 Fund, for paying interest incurred by the state on advances from the Federal
 31 Unemployment Trust Fund, making refunds of advance interest taxes or interest
 32 and penalty payments which were erroneously paid, and returning moneys to the
 33 Unemployment Compensation Fund Clearing Account which were incorrectly
 34 identified and erroneously transferred, if needed, by the Department of
 35 Workforce Services - UI Trust Fund Interest/Unemployment Insurance for the
 36 fiscal year ending June 30, 2019, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) U I TRUST FUND INTEREST	\$3,000,000
(02) LOAN INTEREST	<u>1</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$3,000,001</u></u>

SECTION 8. APPROPRIATION - REED ACT FUNDS. There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, for construction, improvement of buildings, rent and lease costs, acquisition of data processing equipment, acquisition of land, payment of salaries and related benefits, maintenance and general operation and for the payment of unemployment insurance benefits, or as prescribed by the Social Security Act by the Department of Workforce Services for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) REED ACT FUNDS	<u><u>\$1</u></u>

SECTION 9. APPROPRIATION - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PAYING AND NEW HIRE REGISTRY. There is hereby appropriated, to the Department of Workforce Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services, maintenance and general operations, and grant payments of the Department of Workforce Services - Temporary Assistance for Needy Families Block Grant Paying and New Hire Registry for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) AR TRANSITIONAL EMPLOYMENT PRGM & NEW HIRE REGISTRY-PRSN SRVS, MAINT & GEN OPRS, & GRANT PAYMENTS	<u><u>\$40,009,700</u></u>

SECTION 10. APPROPRIATION - INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM.

There is hereby appropriated, to the Department of Workforce Services, to be payable from the Individual Development Account Trust Fund, for operating expenses of the Department of Workforce Services for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$0
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$0</u></u>

SECTION 11. APPROPRIATION - DEPARTMENT OF WORKFORCE SERVICES - TRAINING

TRUST FUND. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Training Trust Fund, for personal services, operating expenses, and grants for the Worker Training Program of the Department of Workforce Services - Training Trust Fund for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) PERSONAL SERVICES, OPERATING EXPENSES AND GRANTS	<u><u>\$3,256,577</u></u>

SECTION 12. APPROPRIATION - DEPARTMENT OF WORKFORCE SERVICES -

UNEMPLOYMENT INSURANCE ADMINISTRATION FUND. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Unemployment Insurance Administration Fund, for personal services and operating expenses of the Unemployment Insurance Program of the Department of Workforce Services - Unemployment Insurance Administration Fund for the fiscal year ending June 30, 2019, the following:

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2018-2019</u>
3	(01) ADMINISTRATION EXPENSES	<u>\$6,000,000</u>

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5 SECTION 13. APPROPRIATION - LOANS TO LOCAL WORKFORCE DEVELOPMENT

6 BOARDS. There is hereby appropriated, to the Department of Workforce

7 Services, to be payable from cash funds as defined by Arkansas Code 19-4-801

8 of the Department of Workforce Services, for loans to local Workforce

9 Development Boards (WDB) for local WDB wire transfers by the Department of

10 Workforce Services for the fiscal year ending June 30, 2019, the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2018-2019</u>
14	(01) LOANS	<u>\$1,500,000</u>

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16 SECTION 14. APPROPRIATION - WORKFORCE DEVELOPMENT GRANT. There is

17 hereby appropriated, to the Department of Workforce Services, to be payable

18 from the federal funds as designated by the Chief Fiscal Officer of the

19 State, for personal services, maintenance and general operations, and grant

20 payments of the Department of Workforce Services - Workforce Development

21 Grant for the fiscal year ending June 30, 2019, the following:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2018-2019</u>
25	(01) WORKFORCE DEVELOPMENT GRANT	<u>\$10,000,000</u>

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27 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

29 FORWARD - NEW HIRE REGISTRY. Any balance in the funds made available by this

30 Act for the New Hire Registry which remain on June 30, ~~2018~~ 2019, may be

31 carried forward into the next fiscal year, to be used for the same purpose.

32 Any carry forward of unexpended balance of funding as authorized herein,

33 may be carried forward under the following conditions:

34 (1) Prior to June 30, ~~2018~~ 2019 the Agency shall by written statement

35 set forth its reason(s) for the need to carry forward said funding to the

36 Department of Finance and Administration Office of Budget;

1 (2) The Department of Finance and Administration Office of Budget shall
2 report to the Arkansas Legislative Council all amounts carried forward by the
3 September Arkansas Legislative Council or Joint Budget Committee meeting
4 which report shall include the name of the Agency, Board, Commission or
5 Institution and the amount of the funding carried forward, the program name
6 or line item, the funding source of that appropriation and a copy of the
7 written request set forth in (1) above;

8 (3) Each Agency, Board, Commission or Institution shall provide a
9 written report to the Arkansas Legislative Council or Joint Budget Committee
10 containing all information set forth in item (2) above, along with a written
11 statement as to the current status of the project, contract, purpose etc. for
12 which the carry forward was originally requested no later than thirty (30)
13 days prior to the time the Agency, Board, Commission or Institution presents
14 its budget request to the Arkansas Legislative Council/Joint Budget
15 Committee; and

16 (4) Thereupon, the Department of Finance and Administration shall
17 include all information obtained in item (3) above in the budget manuals
18 and/or a statement of non-compliance by the Agency, Board, Commission or
19 Institution.

20 The provisions of this section shall be in effect only from July 1, ~~2017~~
21 2018 through June 30, ~~2018~~ 2019.

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23 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
25 HELP. There is hereby authorized, for the Department of Workforce Services
26 for the ~~2017-2018~~ 2018-2019 fiscal year, the following maximum number of
27 part-time or temporary employees, to be known as "Extra Help", payable from
28 funds appropriated herein for such purposes: three hundred eighty (380)
29 temporary or part-time employees, when needed, at rates of pay not to exceed
30 those provided in the Uniform Classification and Compensation Act, or its
31 successor, for the appropriate classification. Any of these positions
32 utilized in a manner which are funded by federal sources are specifically
33 exempt from limitation of hours, either by Act or Regulation.

34 In order to comply with the timeliness requirements set forth by the
35 Social Security Act, the Chairman of the Board of Review is authorized to
36 utilize part-time or temporary employees from the pool of positions provided

1 to the Department of Workforce Services in any occurrence where the number of
2 appeals to the Board of Review or Appeal Tribunal increases above a level
3 that can be resolved by the permanent staff in a timely manner. The
4 Department of Workforce services will determine the appropriate funding
5 source within the Department for said positions.

6 The provisions of this section shall be in effect only from July 1, ~~2017~~
7 2018 through June 30, ~~2018~~ 2019.

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9 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. "REED ACT
11 FUNDS". Funds received by the State may be used as specified in Section 903
12 of the Social Security Act, for the purpose of construction and improvement
13 of buildings, rent/lease costs, acquisition of land, the payment of salaries
14 and related benefits of central and local office staff, maintenance and
15 operation of central and local offices, payment of unemployment insurance
16 benefits, or as otherwise prescribed in Section 903 of the Social Security
17 Act, as amended.

18 The amount obligated pursuant to this Act shall not exceed the amount by
19 which (a) the aggregate of the amounts transferred to the account of this
20 State pursuant to Section 903 of the Social Security Act exceeds (b) the
21 aggregate of the amounts used by this State and charged against the amounts
22 transferred to the account of this State.

23 The provisions of this section shall be in effect only from July 1, ~~2017~~
24 2018 through June 30, ~~2018~~ 2019.

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26 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
28 ADDITIONAL POSITIONS. The Director of the Department of Workforce Services,
29 after receiving the approval of the Office of Personnel Management, and after
30 seeking the prior review by the Arkansas Legislative Council or Joint Budget
31 Committee, shall have the authority to establish such new or additional full
32 time positions as may become necessary to carry out the objectives of the
33 program and/or to meet Federal requirements of new and/or expanded programs
34 where such needs are financed by federal funds; provided that not more than
35 two hundred persons may be employed in addition to those authorized in the
36 salary schedule and that the rate of pay shall not exceed those set out in

1 the salary schedule for comparable positions as authorized under the
2 provisions of the Regular Salaries section of this Act.

3 If the agency requests continuation of a "Growth Pool" position(s) as
4 established herein, the position(s) must be requested as a new position(s) in
5 the agency's budget request.

6 The provisions of this section shall be in effect only from July 1, ~~2017~~
7 2018 through June 30, ~~2018~~ 2019.

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9 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
11 OF APPROPRIATION. Subject to such rules and regulations as may be
12 implemented by the Chief Fiscal Officer of the State and after having sought
13 the prior approval by the Arkansas Legislative Council or Joint Budget
14 Committee, the Director of the Department of Workforce Services is hereby
15 authorized to make transfers from any appropriation made by this Act to any
16 other appropriation made by this Act with the exception of the "Reed Act
17 Funds" appropriations set forth in the Reed Act Funds appropriation section
18 of this Act, and of the appropriation made for Regular Salaries or
19 Maintenance and General Operation. Such transfers may be made whenever it
20 appears, by projecting the expenditures of any of the appropriations in this
21 Act, that there will be a deficiency of appropriation in one item and that
22 there will be a corresponding excess of appropriation in another item or
23 items which may be transferred. The transfer of appropriation shall be
24 effected only on approval of the Chief Fiscal Officer of the State. Provided,
25 however, that no transfer of appropriations may be authorized to increase the
26 total amount appropriated for Regular Salaries, or Maintenance and General
27 Operations, except as may be authorized elsewhere by law.

28 Determining the maximum number of employees and the maximum amount of
29 appropriation and general revenue funding for a state agency each fiscal year
30 is the prerogative of the General Assembly. This is usually accomplished by
31 delineating such maximums in the appropriation act(s) for a state agency and
32 the general revenue allocations authorized for each fund and fund account by
33 amendment to the Revenue Stabilization law. Further, the General Assembly
34 has determined that the Department of Workforce Services may operate more
35 efficiently if some flexibility is provided to the Department of Workforce
36 Services authorizing broad powers under this Section. Therefore, it is both

1 necessary and appropriate that the General Assembly maintain oversight by
2 requiring prior approval of the Legislative Council or Joint Budget Committee
3 as provided by this section. The requirement of approval by the Legislative
4 Council or Joint Budget Committee is not a severable part of this section.
5 If the requirement of approval by the Legislative Council or Joint Budget
6 Committee is ruled unconstitutional by a court of competent jurisdiction,
7 this entire section is void.

8 The provisions of this section shall be in effect only from July 1, ~~2017~~
9 2018 through June 30, ~~2018~~ 2019.

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11 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INTER-
13 AGENCY TRANSFER OF STATE GENERAL REVENUE FOR THE TEMPORARY ASSISTANCE FOR
14 NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the
15 Department of Human Services (DHS) and the Director of the Department of
16 Workforce Services (DWS), the Chief Fiscal Officer of the State may approve
17 up to three million six hundred forty thousand six hundred fifty dollars
18 (\$3,640,650) each fiscal year in State General Revenue appropriated to DWS
19 for the TANF program to be transferred to the DHS - Division of County
20 Operations in support of Arkansas' TANF Programs or any related separate
21 state programs.

22 The Director of the Department of Workforce Services shall provide a
23 report of all transfers made to the DHS - Division of County Operations to
24 the Performance Evaluation and Expenditure Review Committee of the Arkansas
25 Legislative Council and Joint Budget Committee. The report must include the
26 justification for and the amount of the completed transfers.

27 The provisions of this section shall be in effect only from July 1, ~~2017~~
28 2018 through June 30, ~~2018~~ 2019.

29
30 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
32 OF TANF BLOCK GRANT FUNDS. Each fiscal year, the Department of Workforce
33 Services shall transfer the sum of seven million five hundred thousand
34 dollars (\$7,500,000) from the state's federal Temporary Assistance for Needy
35 Families block grant to the Department of Education Public School Fund
36 Account to be used solely for the Arkansas Better Chance Program.

1 If the state match for the Temporary Assistance for Needy Families grant
 2 or the state's Temporary Assistance for Needy Families grant is reduced, the
 3 amount to be transferred may be adjusted in proportion to the percentage
 4 change in the state match or the state's Temporary Assistance for Needy
 5 Families grant. The amount to be transferred may also be reduced
 6 proportionately if new cost requirements are imposed upon the state as a
 7 result of new or revised Temporary Assistance for Needy Families regulations
 8 at the federal level.

9 The provisions of this section shall be in effect only from July 1, ~~2017~~
 10 2018 through June 30, ~~2018~~ 2019.

11
 12 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRAINING
 14 TRUST FUND TRANSFER. Immediately upon the effective date of this Act, the
 15 Chief Fiscal Officer of the State shall transfer on his or her books and
 16 those of the State Treasurer and the Auditor of the State the sum of two
 17 million five hundred thousand dollars (\$2,500,000) from the Department of
 18 Workforce Services Training Trust Fund to the Skills Development Fund.

19 The provisions of this section shall be in effect only from July 1, ~~2017~~
 20 2018 through June 30, ~~2018~~ 2019.

21
 22 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 24 RESTRICTIONS ON FINANCIAL ASSISTANCE UNDER THE TEMPORARY ASSISTANCE FOR NEEDY
 25 FAMILIES PROGRAM.

26 (a)(1) Determining the maximum number of employees, the maximum amount
 27 of appropriation, for what purposes an appropriation is authorized, and
 28 general revenue funding for a state agency each fiscal year is the
 29 prerogative of the General Assembly.

30 (2) The purposes of subsection (a) of this section are typically
 31 accomplished by:

- 32 (A) Identifying the purpose in the appropriation act;
 33 (B) Delineating such maximums in the appropriation act for
 34 a state agency; and
 35 (C) Delineating the general revenue allocations authorized
 36 for each fund and fund account by amendment to the revenue stabilization law.

1 (3) It is both necessary and appropriate that the General
2 Assembly restrict the use of appropriations authorized in this act.

3 (b)(1) Upon the request of the Governor or the General Assembly, the
4 Department of Workforce Services shall request a waiver from the federal
5 government to:

6 (A) Restrict the financial assistance granted to a
7 recipient of the Temporary Assistance for Needy Families Program or its
8 successor program to purchase goods and services that are considered
9 essential and necessary for the welfare of the family, including without
10 limitation:

11 (i) Food;

12 (ii) Clothing;

13 (iii) Housing;

14 (iv) Utilities;

15 (v) Child care; and

16 (vi) Incidentals, including without limitation
17 transportation and medicine or medical supplies or equipment not covered by
18 either the Arkansas Medicaid Program or the health benefit plan of the
19 individual; and

20 (b) Restrict the cash withdrawal from an electronic
21 benefit transfer card account that receives financial assistance under the
22 Temporary Assistance for Needy Families Program or its successor program by
23 electronic benefit transfer system.

24 (2) If the federal government denies the waiver application,
25 this section shall not be implemented.

26 (3) If the department does not request a wavier under
27 subdivision (b)(1) of this section, the department shall not allocate,
28 budget, expend, or utilize appropriations under this act for the
29 participation of persons in the Temporary Assistance for Needy Families
30 Program.

31 The provisions of this section shall be in effect only from July 1, ~~2017~~
32 2018 through June 30, ~~2018~~ 2019.

33
34 SECTION 24. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Procurement 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
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7
8 SECTION 25. 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
11 which 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 26. EFFECTIVE DATE. This act is effective on and after July 1,
18 2018.

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21 **APPROVED: 2/23/18**
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