

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 121

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 LABOR
10 AND LICENSING - DIVISION OF LABOR FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2022; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF LABOR AND
15 LICENSING - DIVISION OF LABOR
16 APPROPRIATION FOR THE 2021-2022 FISCAL
17 YEAR.
18
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby
24 established for the Department of Labor and Licensing for the 2021-2022
25 fiscal year, the following maximum number of regular employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2021-2022
31	(1) SC010	SECRETARY OF LABOR & LICENSING	1	GRADE SE05
32	(2) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
33	(3) D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
34	(4) D063C	COMPUTER SUPPORT SPECIALIST	3	GRADE IT05
35	(5) D052C	SOFTWARE SUPPORT ANALYST	1	GRADE IT05
36	(6) N245N	DLL CHIEF OF STAFF	1	GRADE GS15



1	(7)	G019C GENERAL COUNSEL	1	GRADE GS13
2	(8)	A021C AGENCY CONTROLLER I	1	GRADE GS12
3	(9)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE GS12
4	(10)	U088U DLL LABOR DEPUTY DIRECTOR	1	GRADE GS12
5	(11)	R013C AGENCY HUMAN RESOURCES MANAGER	1	GRADE GS11
6	(12)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
7	(13)	G308C DLL ENFORCEMENT MANAGER	1	GRADE GS10
8	(14)	R021C BUDGET ANALYST	2	GRADE GS08
9	(15)	R024C ASSISTANT PERSONNEL MANAGER	1	GRADE GS07
10	(16)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
11	(17)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
12	(18)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
13	(19)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
14	(20)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
15	(21)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
16		MAX. NO. OF EMPLOYEES	24	

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18 SECTION 2. EXTRA HELP - SHARED SERVICES. There is hereby authorized,
 19 for the Department of Labor and Licensing - Shared Services for the 2021-2022
 20 fiscal year, the following maximum number of part-time or temporary
 21 employees, to be known as "Extra Help", payable from funds appropriated
 22 herein for such purposes: two (2) temporary or part-time employees, when
 23 needed, at rates of pay not to exceed those provided in the Uniform
 24 Classification and Compensation Act, or its successor, or this act for the
 25 appropriate classification.

26

27 SECTION 3. APPROPRIATION - SHARED SERVICES PAYING ACCOUNT. There is
 28 hereby appropriated, to the Department of Labor and Licensing, to be payable
 29 from the paying account as determined by the Chief Fiscal Officer of the
 30 State, for personal services and operating expenses of the Department of
 31 Labor and Licensing - Shared Services Paying Account for the fiscal year
 32 ending June 30, 2022, the following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2021-2022</u>
36	(01) REGULAR SALARIES	\$1,626,569

1	(02)	EXTRA HELP	77,000
2	(03)	PERSONAL SERVICES MATCHING	506,859
3	(04)	MAINT. & GEN. OPERATION	
4	(A)	OPER. EXPENSE	884,500
5	(B)	CONF. & TRAVEL	15,000
6	(C)	PROF. FEES	0
7	(D)	CAP. OUTLAY	0
8	(E)	DATA PROC.	<u>0</u>
9		TOTAL AMOUNT APPROPRIATED	<u><u>\$3,109,928</u></u>

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11 SECTION 4. REGULAR SALARIES - DIVISION OF LABOR. There is hereby
 12 established for the Department of Labor and Licensing - Division of Labor for
 13 the 2021-2022 fiscal year, the following maximum number of regular employees.
 14

15				Maximum Annual
16				Salary Rate
17	Item	Class	Maximum	Fiscal Year
18	No.	Code Title	No. of	2021-2022
			Employees	
19	(1)	D068C INFORMATION SYSTEMS ANALYST	1	GRADE IT04
20	(2)	G096C DLL LABOR DIVISION MANAGER	4	GRADE GS09
21	(3)	X052C DLL LABOR INSPECTOR SUPERVISOR	8	GRADE GS08
22	(4)	X051C DLL LABOR MEDIATOR	1	GRADE GS08
23	(5)	E026C EDUCATION & INSTRUCTION COORDINATOR	1	GRADE GS08
24	(6)	X065C DLL LABOR INSPECTOR	27	GRADE GS07
25	(7)	E048C EDUCATION & INSTRUCTION SPECIALIST	2	GRADE GS07
26	(8)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
27	(9)	A072C RESEARCH & STATISTICS MANAGER	1	GRADE GS07
28	(10)	C037C ADMINISTRATIVE ANALYST	4	GRADE GS06
29	(11)	X122C DLL LABOR STANDARDS INVESTIGATOR	8	GRADE GS06
30	(12)	A093C STATISTICIAN	2	GRADE GS06
31	(13)	V014C BUYER	1	GRADE GS05
32	(14)	C056C ADMINISTRATIVE SPECIALIST III	<u>9</u>	GRADE GS04
33		MAX. NO. OF EMPLOYEES	70	

34

35 SECTION 5. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 36 for the Department of Labor and Licensing - Division of Labor for the 2021-

1 2022 fiscal year, the following maximum number of part-time or temporary
 2 employees, to be known as "Extra Help", payable from funds appropriated
 3 herein for such purposes: two (2) temporary or part-time employees, when
 4 needed, at rates of pay not to exceed those provided in the Uniform
 5 Classification and Compensation Act, or its successor, or this act for the
 6 appropriate classification.

7
 8 SECTION 6. APPROPRIATION - STATE OPERATIONS. There is hereby
 9 appropriated, to the Department of Labor and Licensing, to be payable from
 10 the Department of Labor and Licensing Fund Account, for personal services and
 11 operating expenses of the Department of Labor and Licensing - Division of
 12 Labor - State Operations for the fiscal year ending June 30, 2022, the
 13 following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2021-2022</u>
17 (01) REGULAR SALARIES	\$1,387,962
18 (02) EXTRA HELP	0
19 (03) PERSONAL SERVICES MATCHING	496,219
20 (04) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	354,954
22 (B) CONF. & TRAVEL	42,395
23 (C) PROF. FEES	3,000
24 (D) CAP. OUTLAY	0
25 (E) DATA PROC.	<u>0</u>
26 TOTAL AMOUNT APPROPRIATED	<u><u>\$2,284,530</u></u>

27
 28 SECTION 7. APPROPRIATION - BOILER INSPECTION. There is hereby
 29 appropriated, to the Department of Labor and Licensing, to be payable from
 30 the Department of Labor and Licensing Special Fund, for personal services and
 31 operating expenses of the Department of Labor and Licensing - Division of
 32 Labor - Boiler Inspection for the fiscal year ending June 30, 2022, the
 33 following:

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2021-2022</u>

1	(01) REGULAR SALARIES	\$429,520
2	(02) PERSONAL SERVICES MATCHING	153,391
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	201,804
5	(B) CONF. & TRAVEL	14,044
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$798,759</u></u>

10

11 SECTION 8. APPROPRIATION - BOARD OF ELECTRICAL EXAMINERS. There is
 12 hereby appropriated, to the Department of Labor and Licensing, to be payable
 13 from the Department of Labor and Licensing Special Fund, for personal
 14 services and operating expenses of the Department of Labor and Licensing -
 15 Division of Labor - Board of Electrical Examiners for the fiscal year ending
 16 June 30, 2022, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2021-2022</u>
20	(01) REGULAR SALARIES	\$413,711
21	(02) PERSONAL SERVICES MATCHING	143,558
22	(03) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	131,738
24	(B) CONF. & TRAVEL	6,430
25	(C) PROF. FEES	0
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$695,437</u></u>

29

30 SECTION 9. APPROPRIATION - FEDERAL PROGRAMS. There is hereby
 31 appropriated, to the Department of Labor and Licensing, to be payable from
 32 the federal funds as designated by the Chief Fiscal Officer of the State, for
 33 personal services and operating expenses of the Department of Labor and
 34 Licensing - Division of Labor - Federal Programs for the fiscal year ending
 35 June 30, 2022, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2021-2022</u>
3	(01) REGULAR SALARIES	\$920,430
4	(02) PERSONAL SERVICES MATCHING	326,420
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	182,163
7	(B) CONF. & TRAVEL	43,950
8	(C) PROF. FEES	0
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,472,963</u></u>

12

13 SECTION 10. APPROPRIATION - WAGE AND HOUR - CASH. There is hereby
 14 appropriated, to the Department of Labor and Licensing, to be payable from
 15 the cash fund deposited in the State Treasury as determined by the Chief
 16 Fiscal Officer of the State, for distribution of wages due employees from
 17 employers in Arkansas by the Department of Labor and Licensing - Division of
 18 Labor - Wage and Hour - Cash for the fiscal year ending June 30, 2022, the
 19 following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2021-2022</u>
23	(01) WAGES DUE	<u><u>\$200,000</u></u>

24

25 SECTION 11. APPROPRIATION - SEMINAR AND CONFERENCE EXPENSES - CASH.
 26 There is hereby appropriated, to the Department of Labor and Licensing, to be
 27 payable from the cash fund deposited in the State Treasury as determined by
 28 the Chief Fiscal Officer of the State, for operating expenses from the
 29 deposit of registration fees collected for seminars and conferences by the
 30 Department of Labor and Licensing - Division of Labor - Seminar and
 31 Conference Expenses - Cash for the fiscal year ending June 30, 2022, the
 32 following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2021-2022</u>
36	(01) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	\$2,000
2	(B) CONF. & TRAVEL	46,000
3	(C) PROF. FEES	0
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$48,000</u></u>

7

8 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED
 10 SERVICES.

11 (a)(1)(A) The Chief Fiscal Officer of the State may create paying
 12 accounts on his or her books and on the books of the Treasurer of State and
 13 the Auditor of State for the payment of personal services and operating
 14 expenses by the Department of Labor and Licensing.

15 (B) Upon prior approval of the Arkansas Legislative Council, or
 16 if meeting in Legislative Session the Joint Budget Committee, the Chief
 17 Fiscal Officer of the State shall direct the transfer of funds and
 18 appropriations to the Shared Services Paying Account appropriation section of
 19 this act and the transfer of positions to the Regular Salaries – Shared
 20 Services appropriation section of this act on the books of the Treasurer of
 21 State, the Auditor of State, and the Chief Fiscal Officer of the State.

22 (2) The transfer authority provided in subdivision (a)(1) of
 23 this section for efficiencies and to eliminate duplication of services are
 24 limited only to those services that are provided for multiple divisions of a
 25 department, including without limitation to administration, human resources,
 26 procurement, communications, fleet operations, and information services.

27 (3) The transfer authority provided to the department in
 28 subdivision (a)(1) of this section may be used to make transfers only within
 29 the department’s appropriation act or between other appropriation acts
 30 authorized for the department.

31 (b)(1) Each department utilizing the Shared Services Paying Account
 32 section or Regular Salaries – Shared Services section of this act shall
 33 submit a report to be included in the Budget Manuals for hearings, conducted
 34 by the General Assembly, listing all shared services transfers of positions,
 35 funds, and appropriation under this section, which shall be submitted as
 36 instructed by the Department of Finance and Administration - Office of Budget

1 for uniformity.

2 (2) A report submitted under subdivision (b)(1) of this section
3 shall include the following:

4 (A) The position number, authorized position title, class
5 code, grade, business area, and name of the division, section, or unit for
6 the position being transferred to the Regular Salaries – Shared Services
7 section of this act; and

8 (B) The fund center, appropriation, appropriation amount,
9 commitment item or items, business area, and name of the division, section,
10 or unit for the fund or appropriation being transferred to the Shared
11 Services Paying Account.

12 (c)(1) It is the intent of the Ninety-Second General Assembly that the
13 authority under this section to transfer positions is intended for use for
14 the time period prior to Fiscal Year ~~2022~~ 2023 to allow cabinet-level
15 departments to establish a centralized Regular Salaries - Shared Services
16 section, with the recommendation that the position transfer authority granted
17 under this section be discontinued after that time.

18 (2) The Bureau of Legislative Research shall bring the
19 recommendation in subdivision (c)(1) of this section to the attention of the
20 chairs conducting the ~~2021~~ 2022 Regular Fiscal Session pre-session budget
21 hearings, the chairs of the Special Language Subcommittee, and the members of
22 the Special Language Subcommittee during pre-session budget hearings.

23 (d) Determining the maximum number of employees and the maximum amount
24 of appropriation and general revenue funding for a cabinet-level department
25 each fiscal year is the prerogative of the General Assembly and is usually
26 accomplished by delineating the maximums in the appropriation act or acts and
27 establishing authorized positions and the general revenue allocations
28 authorized for each fund and fund account by amendment to the Revenue
29 Stabilization Law. Further, the General Assembly has determined that the
30 cabinet-level departments created under Acts 2019, No. 910, may operate more
31 efficiently if some flexibility is provided as authorized under this section.
32 Therefore, it is both necessary and appropriate that the General Assembly
33 maintain oversight by requiring prior approval of the Legislative Council or,
34 if the General Assembly is in session, the Joint Budget Committee, as
35 provided by this section. The requirement of approval by the Legislative
36 Council or Joint Budget Committee is not a severable part of this section.

1 If the requirement of approval by the Legislative Council or Joint Budget
 2 Committee is ruled unconstitutional by a court of competent jurisdiction,
 3 this entire section is void.

4 (e) The provisions of this section shall be in effect from the date of
 5 passage through June 30, ~~2021~~ 2022.

6
 7 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 EXPENDITURE AND TRANSFER LIMITATIONS. (i) Notwithstanding any other transfer
 10 provisions authorized by law, the expenditures for each individual Board,
 11 Commission, Section or Division in the Department of Labor and Licensing
 12 combined with fund transfers for the individual board, commission, section,
 13 or division, such as but not limited to Shared Services Transfers, shall not
 14 exceed the net collections of the individual board, commission, section, or
 15 division in any fiscal year as set out in this section.

16 (ii) The calculations for each individual entities expenditures,
 17 transfers and net collections or revenue shall be determined separately for
 18 each board, commission, section or division and at no time shall a combined
 19 calculation be utilized.

20 (iii) The total expenditures for a fiscal year for each entity shall be
 21 determined by the average expenditures of the last three completed fiscal
 22 years combined with any current fiscal year budgeted fund transfer.

23 (iv) The net collections or revenue for a fiscal year for each entity
 24 shall be determined by the average revenue collections of the last three
 25 completed fiscal years.

26 (v) At no time shall a fund transfer in a fiscal year cause the total
 27 expenditures, as set out in subsection (iii) of this section, to exceed the
 28 net collections or revenue, as set out in subsection (iv) of this section.

29 (vi) Any fund transfers combined with expenditures shall not be greater
 30 than revenue collections that could create the need for a board, commission,
 31 section or division to raise fees, fines, penalties, or any other collection
 32 method in order to continue to provide the services for which they were
 33 created.

34 (vii) Any expenditures for a board, commission, section or division
 35 authorized by the General Assembly through the budget hearing and
 36 appropriation process, that is specifically requested and approved to be

1 payable out of that individual entity's accumulated fund balances for
2 expenses other than normal operating expense shall be exempt from this
3 section and that expenditure from fund balances shall not be used to
4 calculate the expenditures as set out in subsection (iii) of this section.

5 (viii) The provisions as set forth in this section does not prevent any
6 individual board, commission, section, or division, from promulgating new or
7 update rules or submitting a request to raise or lower fees, fines,
8 penalties, or any other collection method.

9 (ix) In the event that an individual board, commission, section, or
10 division has a fiscal year where expenditures combined with budget transfers
11 out exceeds collections or revenue as set out in subsection (v) of this
12 section and that individual board, commission, section, or division has a
13 current fund balance greater than the average expenditures as calculated in
14 subsection (iii) of this section, then that individual board, commission,
15 section, or division is exempt from the provision of this section and may
16 utilize those fund balances to exceed the expenditure combined with transfers
17 without limitation.

18 (x) The provisions of this section shall be in effect only from July 1,
19 2021 through June 30, 2022.

20
21 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
22 authorized by this act shall be limited to the appropriation for such agency
23 and funds made available by law for the support of such appropriations; and
24 the restrictions of the State Procurement Law, the General Accounting and
25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
26 Procedures and Restrictions Act, or their successors, and other fiscal
27 control laws of this State, where applicable, and regulations promulgated by
28 the Department of Finance and Administration, as authorized by law, shall be
29 strictly complied with in disbursement of said funds.

30
31 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
32 Assembly that any funds disbursed under the authority of the appropriations
33 contained in this act shall be in compliance with the stated reasons for
34 which this act was adopted, as evidenced by the Agency Requests, Executive
35 Recommendations and Legislative Recommendations contained in the budget
36 manuals prepared by the Department of Finance and Administration, letters, or

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

3
4 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
5 General Assembly, that the Constitution of the State of Arkansas prohibits
6 the appropriation of funds for more than a one (1) year period; that the
7 effectiveness of this Act on July 1, 2021 is essential to the operation of
8 the agency for which the appropriations in this Act are provided, and that in
9 the event of an extension of the legislative session, the delay in the
10 effective date of this Act beyond July 1, 2021 could work irreparable harm
11 upon the proper administration and provision of essential governmental
12 programs. Therefore, an emergency is hereby declared to exist and this Act
13 being necessary for the immediate preservation of the public peace, health
14 and safety shall be in full force and effect from and after July 1, 2021.