



Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher

September 8, 2021

Jessica C. Whittaker, Administrator
Administrative Rules Review Section
Bureau of Legislative Research
One Capitol Mall, 5th floor
Little Rock, Arkansas 72201

Via: Electronic Mail

Re: September Act 595 Report

Office of Personnel Management

1. Rule for OPM to Review Training Materials for Divisive Concepts, Act 1100 of 2021

This Act prohibits the propagation of divisive concepts and requires a review of state Agency training materials. The Act defines "divisive concept" and provides that agencies are prohibited from teaching, instructing, or training any employee, staff member, or other individual to adopt or believe any divisive concept. This Act requires state agencies to issue a policy incorporating the requirements of the prohibition. TSS will assist Departments in implementing policies. The Act also requires the Department of Transformation and Shared Services Secretary to develop rules to enforce the requirements of the Act.

Status: Being drafted
The Acts effective date is January 1, 2022

2. Repealing prior OPM rules regarding grievance procedures, Act 1054 of 2019

OPM is repealing the grievance rules that were based on Ark. Code §21-1-703 which was repealed in 2019. The grievance rules and procedures were replaced with the State Arkansas Grievance Policy and Procedures and issued to Departments in April 2020.

Status: Deletions are prepared to be submitted.

3. To Create the Arkansas Public Service Internship Program, Act 379 of 2021

TSS has determined that Act 379 of 2021 requires TSS to establish the Arkansas Public Service Internship Program and for the Office of Personnel Management to issue a policy establishing the program. Almost all OPM personnel policies are not promulgated as rules. Since the internship program is a short-term employment in an extra help position, we do not believe promulgation of rules under the A.P.A. is applicable. As requested by BLR, TSS is seeking an exemption from promulgating rules on this program.

Division of Building Authority

1. Division of Building Authority Minimum Standards and Criteria, Act 440 of 2021

Act 440 amends the award procedure for public improvement contracts by increasing the threshold for several criteria such as observation by registered professionals, notice requirements, and bid bond to \$50,000 (from \$25,000 or \$35,000). The Act also amends the

emergency contracting procedures for counties and municipalities by limiting emergency contracts addressing an unforeseen or unavoidable emergency in which human life, health, or public property is in jeopardy and it requires a written statement regarding the emergency.

Status Drafting complete in internal review process
Promulgation Deadline: Act 440 does not specify a deadline.

Office of State Procurement

1. Rule Governing Time Period of Submission for Resolution of Protested Solicitations and Awards, Act 487 of 2021

The proposed amendment to R:2, 19-11-244.3 establishes that protested solicitations and awards shall be submitted in writing within fourteen (14) days after the calendar day on which the contract is awarded or the notice of anticipation to award the contract is posted, whichever occurs first.

Status: Rule drafted being reviewed.
Promulgation Deadline: Act No. 487 does not specify a deadline.

2. Approval Process for Office of State Procurement to Procure a Commodity or Service for its Own Use Through Participation in a Cooperative Purchase Agreement, Act 488 of 2021

The proposed amendment to R3: 19-11-249 provides that whenever the Office of State Procurement desires to procure a commodity or service for its own use through participation in a cooperative purchase agreement, its director shall submit a request for approval to the Secretary of the Department of Transformation and Shared Services, who may elect to deny the request or to advance it to the Governor for approval.

Status: Drafting Rule
Promulgation Deadline: Act No. 488 does not specify a deadline.

Contact:

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