



## Department of Finance and Administration

OFFICE OF PERSONNEL MANNAGEMENT  
Administrator's Office  
1509 West Seventh Street, Suite 201  
Post Office Box 3278  
Little Rock, Arkansas 72203-3278  
Phone: (501) 682-1823  
[www.dfa.arkansas.gov/personnel-management](http://www.dfa.arkansas.gov/personnel-management)

September 18, 2018

Senator John Cooper, Co-Chairperson  
Representative Les Eaves, Co-Chairperson  
Uniform Personnel Classification and  
Compensation Plan Subcommittee  
Arkansas Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas

Dear Co-Chairs:

The Office of Personnel Management (OPM) submits a request from the Arkansas Economic Development Commission (AEDC) for your review.

The Arkansas Economic Development Commission requests one new classification and one position authorized as this new classification from the OPM surrender pool established by Ark. Code Ann. §21-5-225(a)(1). The new classification requested along with the one position being surrendered are listed below:

<u>CLASSIFICATION REQUESTED</u>	<u>CLASS CODE</u>	<u>GRADE</u>	<u>RANGE</u>
AEDC Senior Counsel	NEW	GS14	\$86,887-\$125,986

<u>POSITION SURRENDERED</u>	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>	<u>RANGE</u>
22169012	General Counsel	G019C	GS13	\$77,862-\$112,900

### JUSTIFICATION

The Arkansas Economic Development Commission (AEDC) is tasked with developing guidelines and promulgating rules for the Partnership for Public Facilities and Infrastructure Act (Act 813 of 2017). The agency needs a senior level attorney position to administer this program and ensure compliance with legislative requirements, participate in contract negotiations, sample bid packages, conduct a fiscal analysis process, and guide the development and implementation of applicable policy. The agency requests the creation of a new classification and new position to handle these and other duties.

Senator John Cooper, Co-Chairperson  
Representative Les Eaves, Co-Chairperson  
September 18, 2018  
Page 2

**RECOMMENDATION**

The Office of Personnel Management has reviewed this request from the Arkansas Economic Development Commission and recommends approval of one new classification entitled AEDC General Counsel with pay grade GS14 and one new pool position authorized as this new classification. AEDC guarantees our office that it possesses sufficient funding to support this surrender pool position request and anticipates an approximate cost of \$9,025.

Your approval of this request is greatly appreciated.

Sincerely,



Kay Barnhill  
State Personnel Administrator



**Chief Fiscal Officer of the State**

**SEP 05 2018**

**Date**

**KB/jlh: 1-2**



August 28, 2018

Ms. Kay Barnhill  
State Personnel Administrator, Office of Personnel Management  
Department of Finance and Administration  
1509 West 7th Street  
Little Rock, Arkansas 72203

Re: OPM Surrender Pool Request

Dear Ms. Barnhill:

The implementation of Act 813 of the 91<sup>st</sup> General Assembly and the development of the Partnership of Public Facilities and Infrastructure Act have changed the scope and duties of the General Counsel position in such a manner that the agency requires a senior level attorney position with a salary level and experience that align with duties of the position.

The Arkansas Economic Development Commission (AEDC) is requesting the classification of AEDC Senior Counsel (GS14). In exchange for the requested position, AEDC would like to surrender the following position to the OPM pool:

<u>Position Surrendered</u>	<u>Title</u>	<u>Class Code</u>	<u>Grade</u>	<u>Salary Range</u>
22169012	General Counsel	G019C	GS13	\$77,862-\$112,900

Act 813 of 2017 established the Partnership for Public Facilities and Infrastructure Act. This Act authorizes the formation of public-private partnerships to develop private qualifying projects for public entities. This is a program that will need to be built from scratch with no dedicated resources and no institutional knowledge regarding public-private project development. Specifically, AEDC has been legislatively tasked with developing program guidelines and promulgating extensive rules. AEDC will need to dedicate in-house personnel to administer the program and will need to procure an expert (or experts) to guide development of program material including rules; sample bid packages; program guidelines; an extensive fiscal analysis process; interim and comprehensive agreement templates; Request for Proposal Packages; and numerous other documents. AEDC will have to develop extensive review, approval, and monitoring criteria for each of the above steps. Based on the above information there is a need for an experienced state attorney in a senior level capacity to oversee this process and to ensure that the AEDC is in compliance with the numerous and extensive requirements of Act 813 as well as to confirm that the program is administered within the parameters of Arkansas law.

In addition, AEDC is obligated to engage in high level contract negotiations that would tend to expose the state to millions of dollars in liability if not executed correctly. This includes Amendment 82

contracts and expansions of those agreements that result thereof, as well as other agreements that AEDC engages in that involve teams of attorneys representing various stakeholders. The benefit of having a senior attorney in these negotiations stands to save the State of Arkansas a significant amount of money.

Furthermore the position of a senior level attorney is needed because the position requires significant discretions and substantial involvement in the development, interpretation and implementation of State and AEDC policy. This position is frequently provides guidance on high level issues for the agency Executive Team and is called upon to testify to the legislature on behalf of the Director of AEDC. The agency's Executive Team needs an experienced attorney who has the expertise to be able to give sound legal advice on these high level issues in order to shield the agency from legal exposure.

Your consideration of this request is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Preston", with a stylized flourish extending to the right.

Mike Preston  
Director



DEPARTMENT OF FINANCE & ADMINISTRATION  
**Office of Personnel Management**  
**Request for Pool Position**

Business Area	Agency/Institution	Date
0790	AR Economic Development Commission	08/28/18

**Position(s) to be Surrendered**

Position/Item Number	Classification Title	Pay Grade	Class Code
22169012	General Counsel	GS13	G019C

**Classification(s) Requested**

N/A	Classification Title	Pay Grade	Class Code
	AEDC Senior Counsel	GS14	

I Hereby Certify / Understand That:

- A. The position requested is critical to the operation of this Agency/Institution and a detailed justification for this request is attached. (Justification should be detailed and not less than one typed page in length.)
- B. Sufficient funds are available to fund this position at the requested grade.
- C. This is a full time position that will not be used for any other purpose than that which is outlined in the attached narrative.
- D. The position to be surrendered is the highest grade position available and the loss of this position will not adversely affect the operation of this Agency/Institution.
- E. No current employee will be displaced by this action.

Agency Personnel Rep	Date
Ben Ellis	08/28/18

Agency Director	Date
	8/28/18