

State of Arkansas
91st General Assembly
Fiscal Session, 2018

A Bill

SENATE BILL 38

By: Joint Budget Committee

For An Act To Be Entitled

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

Subtitle

AN ACT FOR THE DEPARTMENT OF WORKFORCE
SERVICES APPROPRIATION FOR THE 2018-2019
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Department of Workforce Services for the 2018-2019 fiscal year, the following
maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2018-2019 |
|----------|------------|------------------------------------|--------------------------|--|
| (1) | U037U | DWS DIRECTOR | 1 | GRADE SE03 |
| (2) | U070U | DWS DEPUTY DIRECTOR | 2 | GRADE SE01 |
| (3) | U076U | DWS WORKFORCE INVESTMENT DIRECTOR | 1 | GRADE SE01 |
| (4) | U036U | AR APPEALS TRIBUNAL CHAIRMAN | 1 | GRADE SE01 |
| (5) | D007C | INFORMATION SYSTEMS MANAGER | 2 | GRADE IT08 |
| (6) | D017C | INFORMATION SYSTEMS SEC SPECIALIST | 1 | GRADE IT07 |
| (7) | D038C | SENIOR SOFTWARE SUPPORT ANALYST | 16 | GRADE IT06 |



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

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

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

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Trust Fund, for personal services and 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) REGULAR SALARIES | \$31,967,252 |
| (02) EXTRA HELP | 3,300,000 |
| (03) PERSONAL SERVICES MATCHING | 12,207,672 |
| (04) OVERTIME | 60,000 |
| (05) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 21,335,741 |
| (B) CONF. & TRAVEL | 705,440 |
| (C) PROF. FEES | 4,000,000 |
| (D) CAP. OUTLAY | 2,419,001 |
| (E) DATA PROC. | <u>0</u> |
| TOTAL AMOUNT APPROPRIATED | <u><u>\$75,995,106</u></u> |

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

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

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

SECTION 6. APPROPRIATION - WORKFORCE INNOVATION AND OPPORTUNITY ACT.

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

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

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

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

| ITEM NO. | FISCAL YEAR 2018-2019 |
|------------------------------|---------------------------|
| (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 NO. | FISCAL YEAR 2018-2019 |
|---------------------|--------------------------|
| (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 NO. | FISCAL YEAR 2018-2019 |
|--|----------------------------|
| (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:

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

SECTION 13. APPROPRIATION - LOANS TO LOCAL WORKFORCE DEVELOPMENT BOARDS. 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 loans to local Workforce Development Boards (WDB) for local WDB wire transfers 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) LOANS | <u>\$1,500,000</u> |

SECTION 14. APPROPRIATION - WORKFORCE DEVELOPMENT GRANT. There is hereby appropriated, to the Department of Workforce Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, maintenance and general operations, and grant payments of the Department of Workforce Services - Workforce Development Grant for the fiscal year ending June 30, 2019, the following:

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

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD - NEW HIRE REGISTRY. Any balance in the funds made available by this Act for the New Hire Registry which remain on June 30, ~~2018~~ 2019, may be carried forward into the next fiscal year, to be used for the same purpose.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2018~~ 2019 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) Food;
- (ii) Clothing;
- (iii) Housing;
- (iv) Utilities;
- (v) Child care; and

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

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

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

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

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

SECTION 24. 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 Procurement 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 25. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 26. EFFECTIVE DATE. This act is effective on and after July 1, 2018.

APPROVED: 2/23/18