

2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0485 Community Correction, Department of

ACT#: 218

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COMMUNITY CORRECTION PROGRAM LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Program" line item in this Act to construct new or renovate existing facilities to support the development of community correction facilities in the state.

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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community Correction 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.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The provisions of this section shall be in effect only from July 1, ~~2014~~
2015 through June 30, ~~2015~~ 2016.

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0485 Community Correction, Department of

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SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

MOTOR VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized for Capital Outlay in Section 3 and Section 4 in this Act.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PARKING FEES. On July 1, of each year the Department of Community Correction shall pay from the appropriation provided herein from non-general revenue, the total amount appropriated for War Memorial Stadium Commission Parking Services from Fees to the War Memorial Stadium Commission.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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0485 Community Correction, Department of

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SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction is authorized to transfer appropriation from any line item authorized in Section 3 and Section 4 of this Act to any other line item authorized in Section 3 and Section 4 of this Act.

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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community Correction 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, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, appropriations, and line-item appropriations within or between existing and newly created divisions, offices, sections, or units of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than two requests, encompassing a single purpose listed in this section, during any fiscal year per department. Transfer authority shall further be limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, and positions specific to each agency. However, there shall be no transfers to or from the County Jail Reimbursement Fund. A Reallocation of Resources Transfer shall be limited to the following specific purposes:

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;

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- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

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 Correction and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. 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 jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

HOLIDAY COMPENSATION. The Department of Community Correction is authorized to pay employees for up to ninety-six (96) hours of unused holidays exceeding a balance in the employee's holiday account of one-hundred fifty (150) hours following the end of the calendar year. Payments of unused holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Community Correction will be eligible for all holiday pay accrued during the years of service. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Community Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

AGENCY REQUEST

| | Maximum Annual Salary Rate | |
|-------------|--------------------------------|--------------------------------------|
| Class | | Fiscal Year |
| <u>Code</u> | <u>Title</u> | <u>2014-20152015-2016</u> |
| T033C | ADC/DCC MAJOR | GRADE C120 |
| T048C | ADC/DCC CAPTAIN | GRADE C118 |
| T054C | ADC/DCC LIEUTENANT | GRADE C117 |
| T065C | ADC/DCC CORRECTIONAL SERGEANT | GRADE C115 |
| T075C | ADC/DCC CORPORAL | GRADE C113 |
| T083C | ADC/DCC CORRECTIONAL OFFICER I | GRADE C112 |

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

MEDICAL SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Community Correction cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in Section 3 of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Community Correction - Contingent Positions for the ~~2014-2015~~ 2015-2016 fiscal year, the following maximum number of regular employees.

AGENCY REQUEST

CONTINGENT POSITIONS - MEDICAL SERVICES

| ITEM NO. | CLASS CODE | TITLE | MAXIMUM NO. OF EMPLOYEES | MAXIMUM ANNUAL SALARY RATE | |
|----------|------------|---------------------------|--------------------------|----------------------------|-----------|
| | | | | 2014-2015 | 2015-2016 |
| (1) | L009C | NURSE MANAGER | 1 | GRADE C125 | |
| (2) | L033C | PSYCH. EXAMINER | 1 | GRADE C121 | |
| (3) | M026C | LICENSED SOCIAL WORKER | 6 | GRADE C118 | |
| (4) | L032C | REGISTERED NURSE HOSPITAL | 7 | GRADE C121 | |
| (5) | L069C | LIC PRACT NURSE | 25 | GRADE C113 | |
| (6) | C056C | ADMIN SPECIALIST III | 2 | GRADE C112 | |
| (7) | G238C | ADMINISTRATOR | 1 | GRADE C123 | |
| (8) | L081C | DENTAL ASSISTANT | 1 | GRADE C109 | |
| (9) | L013N | DENTAL DIRECTOR | 1 | GRADE N916 | |
| (10) | L071C | DENTAL HYGIENIST | 1 | GRADE C113 | |
| (11) | L011N | DENTIST | 1 | GRADE N916 | |
| (12) | Q109C | MEDICAL RECORDS DIRECTOR | 1 | GRADE C118 | |

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| CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST) | EXECUTIVE RECOMMENDATION |
|---|---------------------------------|
| <p>(13) L008N PHYSICIAN - STAFF 1 GRADE N917</p> <p>(14) L024N PSYCHIATRIC DIRECTOR 1 GRADE N919</p> <p>(15) L005N PSYCHIATRIST 1 GRADE N919</p> <p>(16) L003C PSYCHOLOGIST - PT 1 GRADE C127</p> <p>(17) C019C REGIONAL MANAGER 1 GRADE C117</p> <p>(18) C056C SECRETARY/ADMIN ASST <u>1</u> GRADE C112</p> <p>MAXIMUM NUMBER OF CONTINGENT EMPLOYEES - MEDICAL SERVICES 54</p> <p>If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.</p> <p>The provisions of this section shall be in effect only from July 1, 2014 <u>2015</u> through June 30, 2015 <u>2016</u>.</p> | |

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COMMUNITY CORRECTION PROGRAM LINE ITEM USES. The appropriations authorized under the line item established herein for "Community Correction Program" are to be used by the Department of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent (10%) increase in utility and fuel rates, the Department of Community Correction is authorized to transfer from any line item in Section 3 - State Operations to Operating Expense Item (05)(A) in Section 3 - State Operations for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of transfer.

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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community Correction 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.

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SECTION#: 20

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY JAIL INVOICE SUMMARY. The Departments of Correction and Community Correction, shall at a minimum and on a fiscal year basis, prepare and post on the applicable agency web site, a monthly summary of county jail reimbursement invoices prepared and forwarded to each county sheriff for verification by the Departments and for payment from the County Jail Reimbursement Fund. In addition, the report shall include a summary of invoices returned by each county for payment for previous months within the fiscal year, the amounts paid, and any balances owed. Each fiscal year-end report shall be maintained on the web sites for a period of no less than three (3) years.

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