



STATE OF ARKANSAS
**Department of Finance
and Administration**

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MEMORANDUM

TO: All State Agency, Board and Commission Directors, Presidents/Chancellors of State Supported Institutions of Higher Education and Human Resource Managers

FROM: ^{10/11} Kay B. Terry, Administrator
Office of Personnel Management

SUBJECT: OPM Revisions and Reminders for the New Fiscal Year

DATE: July 2, 2012

As we begin the new fiscal year, I want to bring to your attention some issues that need to be addressed effective immediately. The issues are as follows:

DISCLOSURE STATEMENTS

Applicants interviewed for positions must complete the Employee Disclosure/Certification and Employment of Family Members Form (F3-F4) and Employee Disclosure Requirements/Restrictions Notice (F5-F6, F7 and F8) pursuant to Executive Order 98-04 (EO 98-04) and Arkansas Code Annotated §19-11 Subchapter 7, §21-1 Subchapter 4 and §25-16 Subchapter 10. Applicants must complete the first page of the Employee Disclosure/Certification and Employment of Family Members Form (F3-F4) and hiring officials must complete the second page of the Employee Disclosure/Certification and Employment of Family Members Form (F3-F4).

Additionally, applicants interviewed for positions must complete pages three, five and six of the Employee Disclosure Requirements/Restrictions Notice (F5-F6, F7 and F8); page four is an explanation of the Arkansas Code Annotated §19-11 Subchapter 7 which should be read and understood by applicants prior to completion of the forms.

Prior to an offer of employment, hiring officials must ensure the applicant meets the specified requirements and that proper approval is obtained. If additional approval is needed beyond the Human Resource Manager, the correspondence must accompany the hiring packet. The disclosure forms are located on the Department of Finance and Administration's Office of Personnel Management, Office of State Procurement and Office of Accounting websites, at the general DFA website www.arkansas.gov/dfa.

Lastly, agencies, boards, commissions and higher education institutions must report the information obtained from the disclosure statements. The reporting mechanism is located on the Department of Finance and Administration's Office of State Procurement website:

to report the information obtained from the F3/F4 and F8, use the employee reporting site https://www.ark.org/dfa/dfa_disclosure/index.php?type=employee;

to report the information obtained from the F7, use the grants and contracts reporting site https://www.ark.org/dfa/dfa_disclosure/index.php?type=contract.

OCCASIONAL OR SPORADIC EMPLOYMENT

Recently, universities voiced concerns regarding the need for their employees to work during occasional or sporadic events. When state employees work occasionally or sporadically on a part-time basis for the same entity in a different capacity from their regular employment, the hours worked in the different jobs shall not be combined for the purpose of determining overtime compensation.

To clarify, the term occasional or sporadic means infrequent, irregular, or occurring in scattered instances. Employment is still considered occasional or sporadic even when the need can be anticipated because it recurs seasonally. Further, the employee's decision to work during an occasional or sporadic event must be made freely and without coercion, implicit or explicit, by the employer. Finally, this applies to employees of all state entities that are subject to the overtime requirements. A non-exempt employee would be eligible for overtime compensation only if the occasional or sporadic work was within the same general occupational category as the employee's regular work.

CONCURRENT EMPLOYMENT

Regarding the issue of overtime, this office is reversing an earlier decision regarding concurrent employment. Employees are allowed to use annual leave from their first state job while they are performing services for a secondary state entity. The employee is not allowed to use accrued sick leave from their first state job and be paid a salary or compensation from another state entity.

REMOVAL OF DIFFERENTIALS NOTIFICATION

Employees receiving compensation differentials must be notified when personnel changes will result in the removal of the differential. This should be a consideration for the employee prior to making the change. Example: an employee receives a geographic differential due to a recruitment issue in one area and moves to another location which is not included in the geographic differential, causing the loss of the differential and subsequent reduction in salary.

NEW PROCESS FOR SUBMISSION OF FORMS, REQUESTS, REPORTS, ETC.

To ensure more efficient and expeditious review and response to your needs, please submit all Classification and Compensation Section forms, requests, reports and other related items through the following email address: OPM-CC-Forms@dfa.arkansas.gov.

If you have any questions concerning the above, please feel free to contact me or your personnel analyst.