

DEPARTMENT OF LABOR

Enabling Laws

Act 128 of 2010;

Ark. Code Ann. §§ 11-2-101 et. seq. 25-12-101. Ark. Code Ann. §§ 8-7-1001 et. seq. 11-2-201 et. seq. 11-7-414; 11-11-101 et. seq. 11-13-113; 15-59-111 et. seq.; 17-28-101 et. seq.; 20-20-301 et. seq.; 20-23-101 et. seq.; 20-24-101 et. seq.; 20-27-801 et. seq.; 20-27-1101 et. seq.; 20-27-1301 et. seq.; 20-31-101 et. seq.; 22-9-212; 22-9-301 et. seq.; 23-89-501 et. seq.

History and Organization

The Arkansas Department of Labor's (ADL) predecessor was established in 1913. In 1937, the Agency received its current name and much of its current structure. Its statutory mission is "to promote and develop the welfare of the wage earners of Arkansas, to improve their working conditions, and to advance their opportunities for profitable employment" (A.C.A. § 11-2-101).

The following describes the Agency's four (4) major program areas which encompass 14 functional work units.

OCCUPATIONAL SAFETY AND HEALTH:

This division is the largest within the Agency with four (4) functional units. In addition to ADL's regulatory authority, this division recognizes individuals and companies who have made outstanding strides in the field of industrial safety through its safety award program, and all units work collaboratively to present safety conferences and seminars throughout the state. OSHA Consultation is 90% federally funded and assists employers in complying with federal OSHA regulations. The primary role of this unit is to provide consultation and training to employers and industries, with preference given to small, high hazard businesses. The Arkansas Occupational Safety and Health (AOSH) unit is supported by general revenue and enforces the state's safety and health laws, primarily with respect to public employment, an area not covered by federal OSHA. AOSH employees provide a variety of safety training courses to general industry, civic, and employee groups, as well as blasting training and certification. Another major responsibility of this unit is the enforcement and regulation of state law regarding the operation of amusement rides. AOSH works in conjunction with the Amusement Ride Safety Advisory Board. Fees collected for amusement ride inspections and blasting certification provide additional revenue for the Agency. Mine Safety and Health (MSHA) is 80% federally funded and assists miners in complying with federal safety and health laws by providing free on-site consultation and training to Arkansas' mining industry. The Occupational Safety and Health/Census of Fatal Occupational Injuries (OSH/CFOI) unit is responsible for conducting surveys of businesses and compiling and reporting statistics related to occupational injuries, illnesses and fatalities to facilitate and focus services. Two grants from the U. S. Department of Labor, one funded by 50% federal funds and one by 100% federal funds, support these business functions. Funding the state matching portion for each of these federal grants is provided by general revenue.

LABOR STANDARDS:

The Labor Standards program is responsible for enforcement of the state's wage and hour laws, child labor laws, and for licensing private employment agencies. This program also provides dispute resolution services for certain small wage disputes.

The division is organized into four (4) work units: Wage and Hour provides enforcement of Arkansas law relating to minimum wage, overtime, child labor, equal pay, and wage collections. The Private Employment Agency unit licenses private employment agencies and otherwise administers and enforces the provisions of the Private Employment Agency Act. The Prevailing Wage unit is responsible for administering and enforcing the Arkansas Prevailing Wage Law. This unit works under advice of a 12-member Prevailing Wage Advisory Committee created by Executive Order in 1994. Mediation Services provides voluntary intervention in collective bargaining situations. This is strictly a mediatory or conciliatory service to assist in the resolution of a labor dispute in an effort to avoid lockouts, boycotts and strikes.

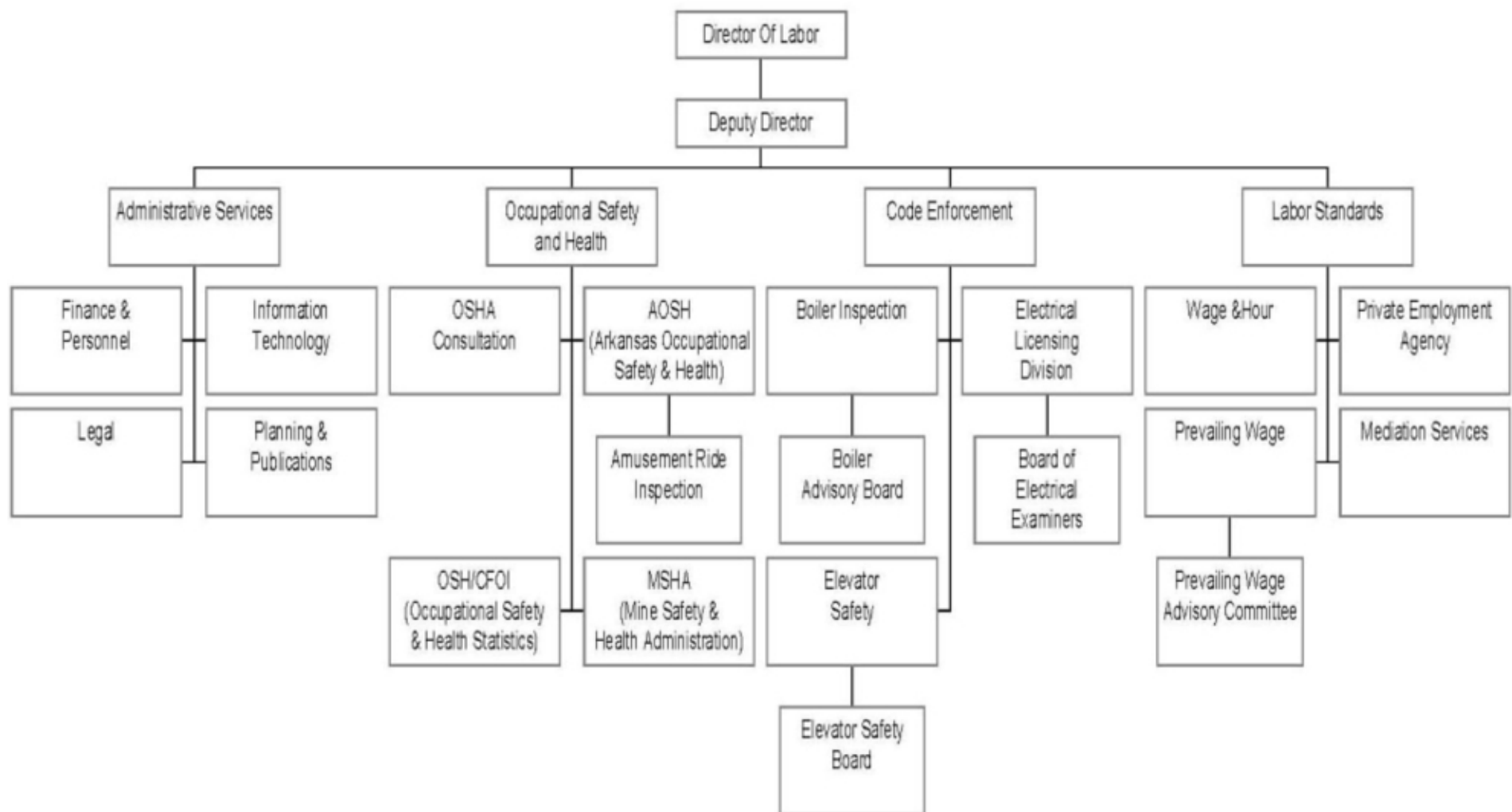
CODE ENFORCEMENT AND PUBLIC SAFETY:

Organizationally, there are three (3) functional work units within the Code Enforcement division. Their purpose is to protect the public from inherent dangers with respect to the installation, use and operation of certain specialized devices and functions. This is primarily accomplished through licensing, permitting and inspections.

Boiler Inspection is responsible for enforcement, administration and regulation of state law regarding the operation of boilers and pressure vessels. These responsibilities include inspections, permits, and licensing. This unit works cooperatively with the Boiler Safety Advisory Board, and is funded 100% by special revenue from collection of established fees. Elevator Safety is responsible for inspecting and permitting elevators and escalators, and it works with the Elevator Safety Board. Fees collected by this unit substantially subsidize the Agency's general revenue distribution. The Electrical Division works with the Board of Electrical Examiners and is responsible for licensing electricians and for enforcing the State Electrical Code. This unit is funded 100% by special revenue from collection of fees.

ADMINISTRATIVE SERVICES:

This division has four (4) functional work units: Finance & Personnel; Information Technology; Legal; and Planning and Publications. Each unit provides in-house support for all Agency programs and is primarily funded by general revenue with appropriate direct and indirect charges to the federal and special revenue funded programs. Planning and Publications also handles Agency press releases, board meeting announcements, publicity for Agency seminars, training programs and safety award presentations.



Agency Commentary

The statutory mission of the Arkansas Department of Labor is “to promote and develop the welfare of the wage earners of Arkansas, to improve their working conditions, and to advance their opportunities for profitable employment.” (A.C.A. § 11-2-101).

In compliance with Governor Beebe’s instructions, our Agency is making extreme efforts to be fiscally conservative, as we have over the past several years. While somewhat struggling under these economic conditions, the Agency is attempting to provide effective enforcement of the Arkansas labor laws, particularly those affecting the state’s minimum wage earners and the safety of Arkansas’ general public. Budget reductions, however, have resulted in not being able to fill vacated positions; therefore, inspectors have been accumulating significant overtime in order to get inspections and consultations done in a timely manner. This has been most critical in the Occupational Safety and Health Consultation Program which provides on-site consultation services and comprehensive training to Arkansas’ industrial employers and employees, and in Elevator Safety which insures safe operation of the state’s nearly 6,000 elevators. The Agency is requesting the retention of three (3) Labor Inspector positions for the OSHA Consultation program, which are 100% federally funded, and one (1) Labor Inspector position for the Elevator Safety program, which is supported by general revenue and fees collected for services. The Agency is also requesting retention of one (1) Labor Inspector position for the Arkansas Occupational Safety and Health program, which is supported by general revenue and fees collected for amusement ride inspections; one (1) Labor Standards Investigator position for the Labor Standards Division, which is supported by general revenue and civil money penalties; and one (1) Administrative Specialist III position for Boiler Inspection, which is funded 100% by Special Revenue. If sufficient revenue is available for the upcoming biennium, the Agency needs to fill these positions to insure services and compliance inspections are completed as needed.

The Boiler Inspection Division (FC 149) is a special revenue division. Actual expenditures for FY10 were \$964,022 and for FY11 will be approximately \$920,000. Annual revenue is approximately \$775,000. Expenditures have been exceeding receipts since FY08, but we have had an adequate fund balance and have thus avoided a fee increase. Unfortunately, our projections are that continued operation at current levels is not possible without fee increases. Without fee increases, we will have to lay-off boiler inspectors, as well as office staff.

In summary, the Agency is requesting an additional \$137,967 each year of the biennium to retain and fill three of the positions listed above in those programs supported by general revenue, Appropriation 148.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT			
AUDIT OF :			
DEPARTMENT OF LABOR			
FOR THE YEAR ENDED JUNE 30, 2007			
Findings		Recommendations	
None		None	

Employment Summary

	Male	Female	Total	%
White Employees	39	34	73	80 %
Black Employees	8	10	18	20 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			18	20 %
Total Employees			91	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Arkansas Department of Labor Annual Report	A.C.A. 11-2-120	Y	Y	300	Keeps citizens of the state, businesses, industries, trade associations, and the Governor aware of Department activities and Legislative and regulatory changes affecting business and labor conditions.

Change in Fee Schedule

CURRENT FEE STRUCTURE				PROPOSED CHANGE			
Description	Fee Amount	Estimated Receipts 2010-2011	Authorizing Act or AR Code	Fee Amount	Estimated Receipts		Reason for Change
					2011-2012	2012-2013	
Special Inspection	\$100.00	\$1,100	ACA 20-23-305	\$200.00	\$2,200	\$2,200	To fund biennial budget
Permit, boilers	\$15.00	\$178,325	ACA 20-23-306(a)(2)	\$20.00	\$249,245	\$249,245	To fund biennial budget

Permit,unfired pressure vessels	\$30.00	\$355,000	ACA 20-23-306(a)(2)	\$40.00	\$496,840	\$496,840	To fund biennial budget
Installation permit, boilers (A) Up to 25 HP, incl	\$15.00	\$900	ACA 20-23-308(a)(1) (A)	\$20.00	\$1,200	\$1,200	To fund biennial budget
Installation permit, boilers (B) Over 25 HP to 50 HP, incl.	\$20.00	\$1,100	ACA 20-23-308(a)(1) (B)	\$25.00	\$1,375	\$1,375	To fund biennial budget
Installation permit, boilers (C) Over 50 HP to 100 HP, incl.	\$25.00	\$1,375	ACA 20-23-308(a)(1) (C)	\$30.00	\$1,650	\$1,650	To fund biennial budget
Installation permit, boilers (D) Over 100 HP to 200 HP, incl.	\$30.00	\$1,020	ACA 20-23-308(a)(1) (D)	\$35.00	\$1,190	\$1,190	To fund biennial budget
Installation permit, boilers (E) Over 200 HP to 300 HP, incl.	\$50.00	\$1,000	ACA 20-23-308(a)(1) (E)	\$55.00	\$1,100	\$1,100	To fund biennial budget
Installation permit, boilers (F) Over 300 HP to 400 HP, incl.	\$60.00	\$900	ACA 20-23-308(a)(1) (F)	\$65.00	\$975	\$975	To fund biennial budget
Installation permit, boilers (G) Over 400 HP to 500 HP, incl.	\$70.00	\$840	ACA 20-23-308(a)(1) (G)	\$75.00	\$900	\$900	To fund biennial budget
Installation permit, boilers (H) Over 500 HP	\$95.00	\$570	ACA 20-23-308(a)(1) (H)	\$100.00	\$600	\$600	To fund biennial budget
Installation permit, UF PV (A) 500 gallons or less	\$15.00	\$1,065	ACA 20-23-308(a)(2) (A)	\$20.00	\$1,420	\$1,420	To fund biennial budget
Installation permit, UF PV (B) 501 to 1000 gallons	\$20.00	\$600	ACA 20-23-308(a)(2) (B)	\$25.00	\$750	\$750	To fund biennial budget
Installation permit, UF PV (C) 1001 to 5000 gallons	\$40.00	\$400	ACA 20-23-308(a)(2) (C)	\$45.00	\$450	\$450	To fund biennial budget
Installation permit, UF PV (D) 5001 gallons & over	\$50.00	\$250	ACA 20-23-308(a)(2) (D)	\$55.00	\$275	\$275	To fund biennial budget
Inspection fees, boilers (A) Up to 15 HP incl.	\$10.00	\$9,000	ACA 20-23-311(a)(1) (A)	\$20.00	\$18,000	\$18,000	To fund biennial budget
Inspection fees, boilers (B) Over 15 HP to 50 HP incl.	\$13.00	\$13,500	ACA 20-23-311(a)(1) (B)	\$20.00	\$22,000	\$22,000	To fund biennial budget

Inspection fees, boilers (C) Over 50 HP to 100 HP incl.	\$18.00	\$40,500	ACA 20-23-311(a)(1) (C)	\$20.00	\$45,640	\$45,640	To fund biennial budget
Inspection fees, boilers (E) Over 150 HP to 250 HP incl.	\$23.00	\$2,555	ACA 20-23-311(a)(1) (E)	\$50.00	\$5,555	\$5,555	To fund biennial budget
Inspection fees, boilers (F) Over 250 HP to 500 HP incl.	\$35.00	\$4,667	ACA 20-23-311(a)(1) (F)	\$50.00	\$6,667	\$6,667	To fund biennial budget
Internal Inspection	\$0.00	\$0	NEW	\$50.00	\$2,500	\$2,500	To fund biennial budget
Inspection fees, UFPV (A) 150 gallons or less	\$9.00	\$11,000	ACA 20-23-311(a)(3) (A)	\$15.00	\$19,000	\$19,000	To fund biennial budget
Inspection fees, UFPV (B) 151 to 500 gallons	\$10.00	\$12,500	ACA 20-23-311(a)(3) (B)	\$15.00	\$19,500	\$19,500	To fund biennial budget
Inspection fees, UFPV (C) 501 to 1000 gallons	\$11.00	\$10,500	ACA 20-23-311(a)(3) (C)	\$15.00	\$14,500	\$14,500	To fund biennial budget
Inspection fees, UFPV (D) 1001 to 2000 gallons	\$12.00	\$3,000	ACA 20-23-311(a)(3) (D)	\$20.00	\$5,000	\$5,000	To fund biennial budget
Inspection fees, UFPV (E) 2001 to 3000 gallons	\$13.00	\$2,758	ACA 20-23-311(a)(3) (E)	\$20.00	\$4,243	\$4,243	To fund biennial budget
Inspection fees, UFPV (F) 3001 to 5000 gallons	\$14.00	\$2,800	ACA 20-23-311(a)(3) (F)	\$20.00	\$4,000	\$4,000	To fund biennial budget
Inspection fees, UFPV (G) 5001 & over	\$18.00	\$8,500	ACA 20-23-311(a)(3) (G)	\$20.00	\$9,500	\$9,500	To fund biennial budget
Shop Inspections-full day, plus expenses	\$440.00	\$2,750	ACA 20-23-311(a)(2)	\$600.00	\$3,750	\$3,750	To fund biennial budget
Shop Inspections-half day, plus expenses	\$220.00	\$1,650	ACA 20-23-311(a)(2)	\$300.00	\$2,250	\$2,250	To fund biennial budget
Inspector's commission (d) Initial license	\$25.00	\$500	ACA 20-23-401(d)	\$20.00	\$400	\$400	To fund biennial budget
Inspector's commission (e) Renewal annually	\$15.00	\$2,400	ACA 20-23-401(e)	\$20.00	\$3,200	\$3,200	To fund biennial budget
Operator license Initial w/exam	\$25.00	\$9,675	ACA 20-23-404(a)(3)	\$30.00	\$11,610	\$11,610	To fund biennial budget
Operator license Renewal annually	\$17.00	\$81,000	ACA 20-23-404(a)(4)	\$20.00	\$98,000	\$98,000	To fund biennial budget

License to sell or install	\$75.00	\$24,400	ACA 20-23-404(a)(2)	\$100.00	\$33,400	\$33,400	To fund biennial budget
License to repair	\$75.00	\$19,000	ACA 20-23-404(b)(2)	\$100.00	\$25,900	\$25,900	To fund biennial budget
Inspector's commission (f) (2) Duplicate license	\$15.00	\$150	ACA 20-23-401 (f)(2)	\$20.00	\$200	\$200	To fund biennial budget
Inspector's commission (g) Lapsed renewal	\$15.00	\$150	ACA 20-23-401 (g)	\$20.00	\$200	\$200	To fund biennial budget

Appropriation Summary

Appropriation: 149 - Boiler Inspection

Funding Sources: MLS - Dept. of Labor Special Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	574,201	593,798	669,858	586,424	611,692	611,692	586,424	611,692	611,692
#Positions		14	14	16	14	15	15	14	15	15
Personal Services Matching	5010003	165,056	178,274	211,557	191,658	201,823	201,823	191,658	201,823	201,823
Operating Expenses	5020002	219,529	237,804	237,804	237,804	237,804	237,804	237,804	237,804	237,804
Conference & Travel Expenses	5050009	5,236	14,044	14,044	14,044	14,044	14,044	14,044	14,044	14,044
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		964,022	1,023,920	1,133,263	1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363

Funding Sources										
Fund Balance	4000005	670,954	481,251		267,331	267,331	267,331	52,401	16,968	16,968
Special Revenue	4000030	774,319	810,000		815,000	815,000	815,000	820,000	820,000	820,000
Total Funding		1,445,273	1,291,251		1,082,331	1,082,331	1,082,331	872,401	836,968	836,968
Excess Appropriation/(Funding)		(481,251)	(267,331)		(52,401)	(16,968)	(16,968)	157,529	228,395	228,395
Grand Total		964,022	1,023,920		1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363

Variance in fund balance reflects unfunded appropriation in State Operations (148).

The FY11 Budget amount for the Board of Electrical Examiners (2CT) exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium.

WITHOUT FEE INCREASE

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation		2009-2010		2010-2011		2010-2011		2011-2012						2012-2013					
		Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
148	State Operations	3,662,376	58	3,904,334	56	4,011,656	60	3,984,650	56	4,122,617	59	4,122,617	59	3,984,650	56	4,122,617	59	4,122,617	59
149	Boiler Inspection	964,022	14	1,023,920	14	1,133,263	16	1,029,930	14	1,065,363	15	1,065,363	15	1,029,930	14	1,065,363	15	1,065,363	15
151	Federal Programs	1,201,284	17	1,206,640	15	1,440,211	18	1,209,747	15	1,353,606	18	1,353,606	18	1,209,747	15	1,353,606	18	1,353,606	18
2CT	Board of Electrical Examiners	604,426	10	679,052	10	667,165	10	679,873	10	679,873	10	679,873	10	679,873	10	679,873	10	679,873	10
940	Wage and Hour - Cash	44,827	0	200,000	0	200,000	0	200,000	0	200,000	0	200,000	0	200,000	0	200,000	0	200,000	0
942	Seminar & Conference Expenses - Cash	39,496	0	53,000	0	53,000	0	53,000	0	53,000	0	53,000	0	53,000	0	53,000	0	53,000	0
Total		6,516,431	99	7,066,946	95	7,505,295	104	7,157,200	95	7,474,459	102	7,474,459	102	7,157,200	95	7,474,459	102	7,474,459	102

Funding Sources			%		%			%		%		%		%		%		%
Fund Balance	4000005	3,135,571	34.6	2,545,066	27.3		2,252,851	24.0	2,252,851	23.2	2,252,851	23.5	2,231,157	23.8	2,225,179	23.0	2,147,539	22.7
General Revenue	4000010	2,824,703	31.2	2,925,091	31.4		3,005,407	32.0	3,137,396	32.3	3,005,407	31.4	3,005,407	32.1	3,137,396	32.4	3,005,407	31.7
Federal Revenue	4000020	1,237,828	13.7	1,256,640	13.5		1,259,747	13.4	1,403,606	14.5	1,403,606	14.7	1,259,747	13.4	1,403,606	14.5	1,403,606	14.8
Special Revenue	4000030	1,777,040	19.6	2,340,000	25.1		2,617,352	27.9	2,652,785	27.3	2,652,785	27.7	2,622,352	28.0	2,657,785	27.5	2,657,785	28.1
Cash Fund	4000045	86,355	1.0	253,000	2.7		253,000	2.7	253,000	2.6	253,000	2.6	253,000	2.7	253,000	2.6	253,000	2.7
Total Funds		9,061,497	100.0	9,319,797	100.0		9,388,357	100.0	9,699,638	100.0	9,567,649	100.0	9,371,663	100.0	9,676,966	100.0	9,467,337	100.0
Excess Appropriation/(Funding)		(2,545,066)		(2,252,851)			(2,231,157)		(2,225,179)		(2,093,190)		(2,214,463)		(2,202,507)		(1,992,878)	
Grand Total		6,516,431		7,066,946			7,157,200		7,474,459		7,474,459		7,157,200		7,474,459		7,474,459	

Variance in fund balance reflects unfunded appropriation in State Operations (148).

The FY11 Budget amount for the Board of Electrical Examiners (2CT) exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium.

WITH FEE INCREASE

Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
106	96	5	101	5	9.43 %	104	92	10	102	2	11.54 %	104	90	5	95	9	13.46 %

Analysis of Budget Request

Appropriation: 148 - State Operations

Funding Sources: HSA - Dept. of Labor Fund Account

The Department of Labor was created by A.C.A. §11-2-106 under the supervision and direction of the Director of the Department of Labor. The Director is appointed by the Governor and is subject to confirmation by the Senate. The Director is authorized in A.C.A. §11-2-108 to enforce all labor laws, not otherwise specified in law; administer and enforce all laws, rules and regulations under the purview of the Department; ensure all inspections are conducted as required by rules and regulations of the Department; conduct investigations; and collect and compile statistical information regarding labor in the State.

This appropriation is utilized to support the State Operations of the Agency and to provide the matching requirements for the Federal Occupational Safety Health Administration (OSHA), Mine Safety Health and Administration (MSHA), Revised Occupational Safety and Health Statistics (ROSH), and Census of Fatal Occupational Injuries (CFOI) grants. Funding is derived from general revenue and special revenue from fees collected by the Elevator Inspection Program; as well as non-revenue receipts from blasting certification fees and amusement ride inspections.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of unclassified positions reflects the FY11 line item maximum. The Base Level request for Regular Salaries includes board member stipend payments.

The Agency's Change Level Request totaling \$137,967 in appropriation and \$131,989 in general revenue funding in each year provides for an increase in Regular Salaries and Personal Services Matching for the restoration of two (2) Labor Inspectors and one (1) Labor Standards Investigator.

The Executive Recommendation provides for the Agency Request for appropriation with no additional general revenue funding.

Appropriation Summary

Appropriation: 148 - State Operations

Funding Sources: HSA - Dept. of Labor Fund Account

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	2,430,483	2,432,509	2,514,241	2,457,592	2,559,413	2,559,413	2,457,592	2,559,413	2,559,413
#Positions		58	56	60	56	59	59	56	59	59
Personal Services Matching	5010003	675,487	741,476	767,066	796,709	832,855	832,855	796,709	832,855	832,855
Operating Expenses	5020002	541,031	704,599	704,599	704,599	704,599	704,599	704,599	704,599	704,599
Conference & Travel Expenses	5050009	13,793	22,750	22,750	22,750	22,750	22,750	22,750	22,750	22,750
Professional Fees	5060010	1,582	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		3,662,376	3,904,334	4,011,656	3,984,650	4,122,617	4,122,617	3,984,650	4,122,617	4,122,617

Funding Sources										
Fund Balance	4000005	9,020	82,104		82,861	82,861	82,861	83,618	77,640	0
General Revenue	4000010	2,824,703	2,925,091		3,005,407	3,137,396	3,005,407	3,005,407	3,137,396	3,005,407
Federal Revenue	4000020	36,544	50,000		50,000	50,000	50,000	50,000	50,000	50,000
Special Revenue	4000030	874,213	930,000		930,000	930,000	930,000	930,000	930,000	930,000
Total Funding		3,744,480	3,987,195		4,068,268	4,200,257	4,068,268	4,069,025	4,195,036	3,985,407
Excess Appropriation/(Funding)		(82,104)	(82,861)		(83,618)	(77,640)	54,349	(84,375)	(72,419)	137,210
Grand Total		3,662,376	3,904,334		3,984,650	4,122,617	4,122,617	3,984,650	4,122,617	4,122,617

Change Level by Appropriation

Appropriation: 148 - State Operations
Funding Sources: HSA - Dept. of Labor Fund Account

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	3,984,650	56	3,984,650	100.0	3,984,650	56	3,984,650	100.0
C01	Existing Program	137,967	3	4,122,617	103.5	137,967	3	4,122,617	103.5

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	3,984,650	56	3,984,650	100.0	3,984,650	56	3,984,650	100.0
C01	Existing Program	137,967	3	4,122,617	103.5	137,967	3	4,122,617	103.5

Justification

C01	The Agency is requesting appropriation and funds to retain and utilize three (3) currently authorized positions. One (1) is allocated to the Labor Standards Division; one (1) to the Elevator Safety Division; and one (1) to the Arkansas Safety and Health (AOSH) Division. All of these positions are supported by general revenue, however all three divisions bring in additional revenue through civil money penalties, inspections and permits. Due to the current workloads in each of the divisions, in addition to the fact that several current employees in both the Elevator and AOSH divisions are eligible for retirement either due to their age or years of state service, the Agency needs to hire and train others who can step into positions vacated due to retirement in order to sustain enforcement of labor laws and services at an acceptable level.								
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Analysis of Budget Request

Appropriation: 149 - Boiler Inspection

Funding Sources: MLS - Dept. of Labor Special Fund

The Boiler Inspection Program is established in ACA §20-23-101 et seq. and is funded by special revenue collected by the Agency from permits and inspection of all boilers used by private and public industries. In addition, fees are collected for annual and biennial inspections of all boilers and pressure vessels, the examination and licensing of boiler operators, quality control assurance surveys, ASME code shop service, licensing of firms to install and repair boilers and pressure vessels, consultation regarding boiler installation, maintenance, operation and repair.

Expenditures have been exceeding receipts since FY08 and the Agency has been using fund balances to avoid a fee increase. In 2013, fund balances will be exhausted and the Agency will have to lay-off boiler inspectors as well as office staff. The Agency will be submitting legislation during the 88th General Session to raise various fees to support this division.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency's Change Level Request totaling \$35,433 in each year of the biennium is for the restoration of one (1) Administrative Specialist III. Several current employees in this division are eligible for retirement either due to their age or years of state service. In order to sustain Agency operations at an acceptable level when that time comes, the Agency needs to fill this position and have others trained to step into those positions vacated due to retirement.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 149 - Boiler Inspection

Funding Sources: MLS - Dept. of Labor Special Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	574,201	593,798	669,858	586,424	611,692	611,692	586,424	611,692	611,692
#Positions		14	14	16	14	15	15	14	15	15
Personal Services Matching	5010003	165,056	178,274	211,557	191,658	201,823	201,823	191,658	201,823	201,823
Operating Expenses	5020002	219,529	237,804	237,804	237,804	237,804	237,804	237,804	237,804	237,804
Conference & Travel Expenses	5050009	5,236	14,044	14,044	14,044	14,044	14,044	14,044	14,044	14,044
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		964,022	1,023,920	1,133,263	1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363
Funding Sources										
Fund Balance	4000005	670,954	481,251		267,331	267,331	267,331	52,401	16,968	16,968
Special Revenue	4000030	774,319	810,000		815,000	815,000	815,000	820,000	820,000	820,000
Total Funding		1,445,273	1,291,251		1,082,331	1,082,331	1,082,331	872,401	836,968	836,968
Excess Appropriation/(Funding)		(481,251)	(267,331)		(52,401)	(16,968)	(16,968)	157,529	228,395	228,395
Grand Total		964,022	1,023,920		1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363

WITHOUT FEE INCREASE

Appropriation Summary

Appropriation: 149 - Boiler Inspection

Funding Sources: MLS - Dept. of Labor Special Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	574,201	593,798	669,858	586,424	611,692	611,692	586,424	611,692	611,692
#Positions		14	14	16	14	15	15	14	15	15
Personal Services Matching	5010003	165,056	178,274	211,557	191,658	201,823	201,823	191,658	201,823	201,823
Operating Expenses	5020002	219,529	237,804	237,804	237,804	237,804	237,804	237,804	237,804	237,804
Conference & Travel Expenses	5050009	5,236	14,044	14,044	14,044	14,044	14,044	14,044	14,044	14,044
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		964,022	1,023,920	1,133,263	1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363
Funding Sources										
Fund Balance	4000005	670,954	481,251		267,331	267,331	267,331	324,753	324,753	324,753
Special Revenue	4000030	774,319	810,000		1,087,352	1,122,785	1,122,785	1,092,352	1,127,785	1,127,785
Total Funding		1,445,273	1,291,251		1,354,683	1,390,116	1,390,116	1,417,105	1,452,538	1,452,538
Excess Appropriation/(Funding)		(481,251)	(267,331)		(324,753)	(324,753)	(324,753)	(387,175)	(387,175)	(387,175)
Grand Total		964,022	1,023,920		1,029,930	1,065,363	1,065,363	1,029,930	1,065,363	1,065,363

WITH FEE INCREASE

Change Level by Appropriation

Appropriation: 149 - Boiler Inspection
Funding Sources: MLS - Dept. of Labor Special Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,029,930	14	1,029,930	100.0	1,029,930	14	1,029,930	100.0
C01	Existing Program	35,433	1	1,065,363	103.4	35,433	1	1,065,363	103.4

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,029,930	14	1,029,930	100.0	1,029,930	14	1,029,930	100.0
C01	Existing Program	35,433	1	1,065,363	103.4	35,433	1	1,065,363	103.4

Justification

C01	The Agency is requesting appropriation to retain one (1) currently authorized position which is funded 100% by Special Revenue and allocated to the Boiler Inspection Program. Several current employees in this division are eligible for retirement either due to their age or years of state service. In order to sustain Agency operations at an acceptable level when that time comes, the Agency needs to fill this position and have others trained to step into those positions vacated due to retirement. The Agency is requesting a new fee structure for this division which should provide sufficient funding.								
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Analysis of Budget Request

Appropriation: 151 - Federal Programs

Funding Sources: FNA - Dept. of Labor-Federal Programs

Arkansas Code Annotated §11-2-121 authorizes the Director of the Department of Labor to enter into agreements with the United States Government for assistance and cooperation in enforcing and implementing state and federal laws. This appropriation is 100% federally funded and is utilized for the receipt of grant funds for conducting OSHA Consultation, Mine Safety and Health Consultation and Training, and the Occupational Injuries and Fatalities Surveys.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency's Change Level Request totaling \$143,859 each year of the biennium restores three (3) Labor Inspectors that were not budgeted in FY11 due to funding constraints.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 151 - Federal Programs

Funding Sources: FNA - Dept. of Labor-Federal Programs

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	699,743	645,940	821,756	642,092	748,754	748,754	642,092	748,754	748,754
#Positions		17	15	18	15	18	18	15	18	18
Personal Services Matching	5010003	212,493	196,867	254,622	208,822	246,019	246,019	208,822	246,019	246,019
Operating Expenses	5020002	246,168	314,883	314,883	314,883	314,883	314,883	314,883	314,883	314,883
Conference & Travel Expenses	5050009	24,372	43,950	43,950	43,950	43,950	43,950	43,950	43,950	43,950
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	18,508	5,000	5,000	0	0	0	0	0	0
Total		1,201,284	1,206,640	1,440,211	1,209,747	1,353,606	1,353,606	1,209,747	1,353,606	1,353,606
Funding Sources										
Federal Revenue	4000020	1,201,284	1,206,640		1,209,747	1,353,606	1,353,606	1,209,747	1,353,606	1,353,606
Total Funding		1,201,284	1,206,640		1,209,747	1,353,606	1,353,606	1,209,747	1,353,606	1,353,606
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		1,201,284	1,206,640		1,209,747	1,353,606	1,353,606	1,209,747	1,353,606	1,353,606

Change Level by Appropriation

Appropriation: 151 - Federal Programs
Funding Sources: FNA - Dept. of Labor-Federal Programs

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,209,747	15	1,209,747	100.0	1,209,747	15	1,209,747	100.0
C01	Existing Program	143,859	3	1,353,606	111.9	143,859	3	1,353,606	111.9

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,209,747	15	1,209,747	100.0	1,209,747	15	1,209,747	100.0
C01	Existing Program	143,859	3	1,353,606	111.9	143,859	3	1,353,606	111.9

Justification

C01	The Agency is requesting appropriation to retain three (3) currently authorized positions, all 100% federally funded and allocated to the OSHA Consultation Program. The positions are needed to meet the goals and objectives of the program; however, after the implementation of the new pay plan in FY2009, there were insufficient funds to fill the positions. We will be requesting and are anticipating additional federal funds in the coming years to allow the Agency to utilize these positions to meet the performance requirements of the federal grant. The three (3) positions are Labor Inspectors.								
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Analysis of Budget Request

Appropriation: 2CT - Board of Electrical Examiners

Funding Sources: MLS - Dept. of Labor Special Fund

Arkansas Code Annotated §17-28-201 created the Board of Electrical Examiners consisting of the Director of the Department of Labor and eight (8) other members appointed by the Governor with the advice and consent of the Senate. The Board is authorized to adopt rules and regulations; conduct examinations for licensure; register electrical apprentices and issue certificates; and revoke or suspend licenses or certificates. This appropriation is funded by special revenues from fees collected for license issuance and renewal of electrical contractors and the examination, licensure and renewal of master, journeyman, and industrial maintenance electricians as well as residential master and journeyman electricians and air conditioning electricians.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments.

The Agency Request provides for Base Level.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2CT - Board of Electrical Examiners

Funding Sources: MLS - Dept. of Labor Special Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	358,258	380,371	372,421	377,619	377,619	377,619	377,619	377,619	377,619
#Positions		10	10	10	10	10	10	10	10	10
Personal Services Matching	5010003	110,533	124,513	120,576	128,086	128,086	128,086	128,086	128,086	128,086
Operating Expenses	5020002	134,860	167,738	167,738	167,738	167,738	167,738	167,738	167,738	167,738
Conference & Travel Expenses	5050009	775	6,430	6,430	6,430	6,430	6,430	6,430	6,430	6,430
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		604,426	679,052	667,165	679,873	679,873	679,873	679,873	679,873	679,873
Funding Sources										
Fund Balance	4000005	2,382,055	1,906,137		1,827,085	1,827,085	1,827,085	1,747,212	1,747,212	1,747,212
Special Revenue	4000030	128,508	600,000		600,000	600,000	600,000	600,000	600,000	600,000
Total Funding		2,510,563	2,506,137		2,427,085	2,427,085	2,427,085	2,347,212	2,347,212	2,347,212
Excess Appropriation/(Funding)		(1,906,137)	(1,827,085)		(1,747,212)	(1,747,212)	(1,747,212)	(1,667,339)	(1,667,339)	(1,667,339)
Grand Total		604,426	679,052		679,873	679,873	679,873	679,873	679,873	679,873

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium.

Analysis of Budget Request

Appropriation: 940 - Wage and Hour - Cash

Funding Sources: NDW - Cash in Treasury

The Department of Labor utilizes this appropriation as a "pass through" account to disburse cash funds collected from employers when it is determined an employer owes compensation to an employee resulting from wage and hour investigations and legal actions pursued by the Agency. Payments made to the Department of Labor by employers for this purpose are then disbursed to the employee.

The Agency Request is for Base Level.

The Executive Recommendation provides for the Agency Request. Expenditure of appropriation is contingent upon available funding.

Appropriation Summary

Appropriation: 940 - Wage and Hour - Cash

Funding Sources: NDW - Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Wages Due	5900046	44,827	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Total		44,827	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
Funding Sources										
Fund Balance	4000005	41,343	55,804		55,804	55,804	55,804	55,804	55,804	55,804
Cash Fund	4000045	59,288	200,000		200,000	200,000	200,000	200,000	200,000	200,000
Total Funding		100,631	255,804		255,804	255,804	255,804	255,804	255,804	255,804
Excess Appropriation/(Funding)		(55,804)	(55,804)		(55,804)	(55,804)	(55,804)	(55,804)	(55,804)	(55,804)
Grand Total		44,827	200,000		200,000	200,000	200,000	200,000	200,000	200,000

Analysis of Budget Request

Appropriation: 942 - Seminar & Conference Expenses - Cash

Funding Sources: NDW - Cash in Treasury

The Department utilizes this appropriation to cover seminar and conference related costs. Cash funds collected from participants attending safety seminars and conferences hosted by the Department fund this appropriation.

The Agency Request is for Base Level with an reallocation of \$10,000 from Conference and Travel Expenses to Operating Expenses to properly classify expenditures for supplies and materials necessary to host safety conferences and seminars.

The Executive Recommendation provides for the Agency Request. Expenditure of appropriation is contingent upon available funding.

Appropriation Summary

Appropriation: 942 - Seminar & Conference Expenses - Cash

Funding Sources: NDW - Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	0	0	0	0	10,000	10,000	0	10,000	10,000
Conference & Travel Expenses	5050009	39,496	53,000	53,000	53,000	43,000	43,000	53,000	43,000	43,000
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		39,496	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000
Funding Sources										
Fund Balance	4000005	32,199	19,770		19,770	19,770	19,770	19,770	19,770	19,770
Cash Fund	4000045	27,067	53,000		53,000	53,000	53,000	53,000	53,000	53,000
Total Funding		59,266	72,770		72,770	72,770	72,770	72,770	72,770	72,770
Excess Appropriation/(Funding)		(19,770)	(19,770)		(19,770)	(19,770)	(19,770)	(19,770)	(19,770)	(19,770)
Grand Total		39,496	53,000		53,000	53,000	53,000	53,000	53,000	53,000

Change Level by Appropriation

Appropriation: 942 - Seminar & Conference Expenses - Cash
Funding Sources: NDW - Cash in Treasury

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	53,000	0	53,000	100.0	53,000	0	53,000	100.0
C04	Reallocation	0	0	53,000	100.0	0	0	53,000	100.0

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	53,000	0	53,000	100.0	53,000	0	53,000	100.0
C04	Reallocation	0	0	53,000	100.0	0	0	53,000	100.0

Justification

C04	Reallocation of expenses to reflect actual spending.
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