

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0810 DOC - Division of Workforce Services**

**ACT#: 181**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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, ~~2023~~ 2024, 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, ~~2023~~ 2024 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

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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.

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EXTRA HELP. There is hereby authorized, for the Division of Workforce Services for the ~~2022-2023~~ 2023-2024 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: four hundred thirty three (433) 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 Division 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 Division of Workforce Services will determine the appropriate funding source within the Department for said positions.

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SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 11, Chapter 10, Subchapter 1, is amended to add an additional section and to codify special language in appropriation acts to read as follows:

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11-10-112. Use of certain federal funds.

(a) Conditioned upon the availability of federal funding provided under Section 209 of the Temporary Extended Unemployment Compensation Act of 2002; Title II of the Job Creation and Worker Assistance Act of 2002, Pub. L. No. 107-147; Title IX of the Social Security Act, 42 U.S.C. § 1103; the Federal Unemployment Tax Act, 26 U.S.C. § 3301; or the Unemployment Insurance Program Letter 39-97 (62 Fed. Reg. 63960 (December 3, 1997), UIPL 39-97, Change 1 (January 16, 2002), and UIPL 20-02 (April 4, 2002)); or their successors, the Secretary of the Department of Labor and Licensing may accept "Reed Act" distributions for the following purposes, including without limitation:

(1) Construction and improvement of buildings;

(2) Rental or lease costs;

(3) The acquisition of land;

(4) Payment of salaries and related benefits of central and local office staff of the Division of Workforce Services;

(5) Maintenance and operation of central and local offices of the Division of Workforce Services;

(6) Payment of unemployment insurance benefits; or

(7) Other allowable uses as provided by federal law.

(b) Funding obligated under this section shall not exceed the amount by which the aggregate of the amounts transferred to the account

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\_\_\_\_\_ of this state under federal law exceeds the aggregate of the amounts used by this state and charged against the amounts transferred to the account of this state.

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SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 11-10-310, concerning the duties of the Director of the Division of Workforce Services and personnel, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(e) The director may establish new or additional full-time positions if:

(1) The new or additional full-time positions are necessary

to:

(A) Carry out the objectives of the Division of Workforce Services' programs; or

(B) Meet federal requirements of new or expanded programs when such needs are financed by federal funds;

(2) The director receives the approval of the Office of Personnel Management;

(3) The director seeks review by the Legislative Council, or if the General Assembly is in session, the Joint Budget Committee, prior to establishing the new or additional full-time positions;

(4) The director authorizes the employment of no more than two hundred (200) persons in new or additional full-time positions in addition to those positions authorized in the salary schedule; and

(5) The rate of pay for the new or additional full-time positions does not exceed those set out in the salary schedule for comparable positions as authorized under the regular salaries section of the division's appropriation act.

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(f) If the division requests continuation of a growth pool position as

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established under this section, the position shall be requested as a new position in the division's next budget request.

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**EXECUTIVE RECOMMENDATION**

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 Division 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 Division of

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Workforce Services may operate more efficiently if some flexibility is provided to the Division 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.

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**EXECUTIVE RECOMMENDATION**

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 Division 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 Division 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.

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**EXECUTIVE RECOMMENDATION**

TRANSFER OF TANF BLOCK GRANT FUNDS. Each fiscal year, the Division 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 Division of Elementary and Secondary 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.

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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 Division of Workforce Services Training Trust Fund to the Skills Development Fund.

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**EXECUTIVE RECOMMENDATION**

RESTRICTIONS ON FINANCIAL ASSISTANCE UNDER THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

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(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 Division 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;

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

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FEDERAL MATCHING. The funds appropriated in Sections for Adult Basic and General Adult Education of this Act may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such Section.

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**EXECUTIVE RECOMMENDATION**

ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall be distributed to those administrative units determined to be operating efficient adult education programs, under criteria established by the Division of Workforce Services. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The Division of Workforce Services shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider performance in meeting state and federal performance indicators. Unallocated funds will be redistributed based upon need as determined by the Division of Workforce Services.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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