

1 State of Arkansas
2 94th General Assembly
3 Fiscal Session, 2024

SR 10

4
5 By: Senator B. Davis
6

7 **SENATE RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
9 BILL TO AMEND THE UNIFORM CLASSIFICATION AND
10 COMPENSATION ACT.
11

12
13 **Subtitle**

14 TO AUTHORIZE THE INTRODUCTION OF A
15 NONAPPROPRIATION BILL TO AMEND THE
16 UNIFORM CLASSIFICATION AND COMPENSATION
17 ACT.
18

19
20 BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE
21 STATE OF ARKANSAS:
22

23 THAT Senator B. Davis is authorized to introduce a bill which as
24 introduced will read substantially as follows:
25

26 "Title

27 AN ACT TO AMEND THE UNIFORM CLASSIFICATION AND COMPENSATION ACT; TO DECLARE
28 AN EMERGENCY; AND FOR OTHER PURPOSES.
29

30 Subtitle

31 TO AMEND THE UNIFORM CLASSIFICATION AND COMPENSATION ACT; AND TO DECLARE AN
32 EMERGENCY.
33

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
35

36 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. MARKET ADJUSTMENT.



1 (a) An employee under the Uniform Classification and Compensation Act,
2 § 21-5-201 et seq., may receive a market adjustment to his or her base salary
3 that shall not exceed three percent (3%) of the employee’s base salary.

4 (b) An employee shall not receive more than one (1) market adjustment
5 under this section.

6 (c) A market adjustment under this section may be awarded to an
7 employee whether or not the market adjustment would result in the salary for
8 the employee exceeding the maximum pay level for the grade assigned to the
9 employee’s classification.

10 (d) This section is effective on and after July 1, 2024.

11 (e) This section expires June 30, 2025.

12
13 SECTION 2. Arkansas Code § 21-5-209(e), concerning the compensation
14 plan for state employees, is amended to read as follows:

15 (e)(1) The following grades and pay levels shall be authorized for the
16 General Salaries pay table effective July 1, ~~2017~~ 2024, and thereafter, for
17 the state service for all positions of state agencies covered by this
18 subchapter to which a classification title and General Salaries salary grade
19 have been assigned in accordance with this subchapter and the appropriation
20 act of the state agency:

21
22 GENERAL SALARIES

23	GS1	\$22,880	<u>\$32,405</u>	\$27,390	<u>\$42,046</u>	\$31,900	<u>\$51,686</u>
24	GS2	\$23,335	<u>\$32,405</u>	\$28,585	<u>\$42,046</u>	\$33,836	<u>\$51,686</u>
25	GS3	\$26,034	<u>\$32,405</u>	\$31,892	<u>\$42,046</u>	\$37,749	<u>\$51,686</u>
26	GS4	\$29,046	<u>\$32,405</u>	\$35,581	<u>\$42,046</u>	\$42,117	<u>\$51,686</u>
27	GS5	\$32,405	<u>\$32,405</u>	\$39,696	<u>\$42,046</u>	\$46,987	<u>\$51,686</u>
28	GS6	\$36,155		\$44,290	<u>\$46,912</u>	\$52,425	<u>\$57,668</u>
29	GS7	\$40,340		\$49,417	<u>\$52,342</u>	\$58,493	<u>\$64,343</u>
30	GS8	\$45,010		\$55,137	<u>\$58,401</u>	\$65,265	<u>\$71,792</u>
31	GS9	\$50,222		\$61,522	<u>\$65,164</u>	\$72,822	<u>\$80,105</u>
32	GS10	\$56,039		\$68,648	<u>\$72,711</u>	\$81,257	<u>\$89,383</u>
33	GS11	\$62,531		\$76,600	<u>\$81,134</u>	\$90,670	<u>\$99,737</u>
34	GS12	\$69,776		\$85,476	<u>\$90,535</u>	\$101,175	<u>\$111,293</u>
35	GS13	\$77,862		\$95,381	<u>\$101,026</u>	\$112,900	<u>\$124,190</u>
36	GS14	\$86,887		\$106,437	<u>\$112,736</u>	\$125,986	<u>\$138,585</u>

1 GS15 \$96,960 ~~\$118,776~~ \$125,806 ~~\$140,592~~ \$154,652

2

3 (2) The following grades and pay levels shall be authorized for
 4 the Information Technology Salaries pay table, effective July 1, ~~2017~~ 2024,
 5 and thereafter, for the state service for all positions of state agencies
 6 covered by this subchapter to which a classification title and Information
 7 Technology Salaries salary grade have been assigned in accordance with this
 8 subchapter and the appropriation act of the state agency:

9

10 INFORMATION TECHNOLOGY SALARIES

11	IT1	\$33,403	\$40,919	<u>\$43,340</u>	\$48,434	<u>\$53,278</u>
12	IT2	\$37,266	\$45,651	<u>\$48,352</u>	\$54,035	<u>\$59,439</u>
13	IT3	\$41,578	\$50,933	<u>\$53,948</u>	\$60,288	<u>\$66,317</u>
14	IT4	\$46,391	\$56,829	<u>\$60,193</u>	\$67,267	<u>\$73,994</u>
15	IT5	\$51,762	\$63,408	<u>\$67,161</u>	\$75,054	<u>\$82,560</u>
16	IT6	\$57,755	\$70,750	<u>\$74,938</u>	\$83,745	<u>\$92,120</u>
17	IT7	\$64,445	\$78,945	<u>\$83,617</u>	\$93,445	<u>\$102,790</u>
18	IT8	\$71,704	\$87,837	<u>\$93,035</u>	\$103,970	<u>\$114,367</u>
19	IT9	\$80,242	\$98,297	<u>\$104,115</u>	\$116,351	<u>\$127,987</u>
20	IT10	\$89,541	\$109,688	<u>\$116,180</u>	\$129,835	<u>\$142,819</u>
21	IT11	\$99,920	\$122,402	<u>\$129,647</u>	\$144,884	<u>\$159,373</u>
22	IT12	\$111,504	\$136,592	<u>\$144,677</u>	\$161,681	<u>\$177,850</u>

23

24 (3) The following grades and pay levels shall be authorized for
 25 the Medical Professional Salaries pay table, effective July 1, ~~2017~~ 2024, and
 26 thereafter, for the state service for all positions of state agencies covered
 27 by this subchapter to which a classification title and Medical Professional
 28 Salaries salary grade have been assigned in accordance with this subchapter
 29 and the appropriation act of the state agency:

30

31 MEDICAL PROFESSIONAL SALARIES

32	MP1	\$63,830	\$75,958	<u>\$80,347</u>	\$88,058	<u>\$96,864</u>
33	MP2	\$71,403	\$85,683	<u>\$90,682</u>	\$99,964	<u>\$109,961</u>
34	MP3	\$79,879	\$96,654	<u>\$102,325</u>	\$113,428	<u>\$124,771</u>
35	MP4	\$89,368	\$109,029	<u>\$115,464</u>	\$128,690	<u>\$141,559</u>
36	MP5	\$99,991	\$122,989	<u>\$130,289</u>	\$145,987	<u>\$160,586</u>

1	MP6	\$111,884	\$138,736	<u>\$147,016</u>	\$165,588	<u>\$182,147</u>
2	MP7	\$125,200	\$156,500	<u>\$165,890</u>	\$187,800	<u>\$206,580</u>
3	MP8	\$140,109	\$176,537	<u>\$187,186</u>	\$212,966	<u>\$234,263</u>
4	MP9	\$156,804	\$199,140	<u>\$211,215</u>	\$241,478	<u>\$265,626</u>
5	MP10	\$175,620	\$224,033	<u>\$236,561</u>	\$270,455	<u>\$297,501</u>

6

7 (4) The following grades and pay levels shall be authorized for
 8 the Senior Executive Salaries pay table, effective July 1, ~~2017~~ 2024, and
 9 thereafter, for the state service for all positions of state agencies covered
 10 by this subchapter to which a classification title and Senior Executive
 11 Salaries salary grade have been assigned in accordance with this subchapter
 12 and the appropriation act of the state agency:

13

14 SENIOR EXECUTIVE SALARIES

15	SE1	\$108,110	\$127,655	<u>\$135,015</u>	\$147,200	<u>\$161,920</u>
16	SE2	\$120,543	\$138,822	<u>\$146,677</u>	\$157,100	<u>\$172,810</u>
17	SE3	\$134,406	\$150,703	<u>\$159,053</u>	\$167,000	<u>\$183,700</u>
18	SE4	\$149,862	\$165,681	<u>\$174,756</u>	\$181,500	<u>\$199,650</u>
19	SE5	\$167,096	\$184,398	<u>\$194,483</u>	\$201,700	<u>\$221,870</u>

20

21 SECTION 3. Arkansas Code § 21-5-214(d)(2), concerning compensation
 22 plan provisions, is amended to read as follows:

23 (2)(A) An agency director may approve a special rate of pay under
 24 subdivision (d)(1) of this section up to fifteen percent (15%) above the
 25 entry pay level for the grade assigned to the classification and shall report
 26 all actions under the office’s procedures.

27 (B) The office may approve a special rate of pay under
 28 subdivision (d)(1) of this section above fifteen percent (15%) up to ~~thirty~~
 29 ~~percent (30%)~~ forty percent (40%) above the entry pay level for the grade
 30 assigned to the classification.

31 (C) The office may approve a special rate of pay pursuant to
 32 subdivision (d)(1) of this section above ~~thirty percent (30%)~~ forty percent
 33 (40%) up to the maximum pay level for the grade assigned to the
 34 classification after review by the Legislative Council or, if the General
 35 Assembly is in session, the Joint Budget Committee.

36

1 SECTION 4. Arkansas Code § 21-5-221(e), concerning compensation
2 differentials, is amended to read as follows:

3 (e) An additional ten percent (10%), but not to exceed a total of
4 twelve percent (12%), hazardous duty differential may be authorized for
5 employees occupying positions assigned to a maximum security unit or facility
6 if the ~~regularly assigned~~ work schedules expose employees ~~at least eighty-~~
7 ~~five percent (85%) of the work time~~ to clear, direct, and unavoidable hazards
8 from clients, inmates, or patients who are in units or facilities that are
9 classified as maximum security.

10
11 SECTION 5. Arkansas Code Title 21, Chapter 5, Subchapter 2, is amended
12 to add additional sections to read as follows:

13 21-5-227. Special compensation awards.

14 (a)(1) A state agency may provide a special compensation award to an
15 employee:

16 (A) To recognize the employee's outstanding performance in
17 successfully completing a significant project or job assignment or completing
18 a major project milestone; or

19 (B) Due to the assignment of temporary additional duties
20 for a period not to exceed six (6) months that are beyond the scope of work
21 currently performed by the employee.

22 (2) The state agency shall determine whether to offer a special
23 compensation award and, if so, the type of special compensation award to
24 offer.

25 (b) A special compensation award may consist of:

26 (1) A lump-sum bonus payment not to exceed five thousand dollars
27 (\$5,000) per award;

28 (2)(A) Up to forty (40) hours of incentive leave that shall:
29 (i) Be used by the end of the calendar year
30 following the calendar year in which the award of incentive leave was made;
31 and

32 (ii) Not carry forward to the subsequent calendar
33 year.

34 (B) If an employee receives an award of incentive leave
35 under subdivision (b)(2)(A) of this section, the incentive leave shall:

36 (i) Expire if the employee resigns or is terminated

1 from employment before the end of the calendar year following the calendar
2 year in which the award of incentive leave was made; and

3 (ii) Not be liquidated by a lump-sum payment to the
4 employee when he or she separates from the state agency; or

5 (3)(A) A lump-sum payment of an employee's annual leave.

6 (B) A lump-sum payment under subdivision (b)(3)(A) of this
7 section shall:

8 (i) Not exceed forty (40) hours of annual leave;

9 (ii) Be paid at the employee's hourly rate; and

10 (iii) Not reduce the employee's combined balance of
11 annual leave, holiday leave, and birthday leave to less than eighty (80)
12 hours.

13 (c)(1)(A) A state agency wishing to provide special compensation
14 awards to employees shall prepare a written plan for administering special
15 compensation awards.

16 (B) The written plan under this subsection shall include:

17 (i) An explanation of how the special compensation
18 awards will be implemented;

19 (ii) A list of the classifications eligible for
20 special compensation awards; and

21 (iii) A description of the special compensation
22 awards that may be provided to employees.

23 (2) The written plan under this subsection shall be reviewed by
24 the Office of Personnel Management.

25 (3) When the office has completed its review of the written plan
26 under subdivision (c)(2) of this section, the office shall refer the written
27 plan to the Legislative Council or, if the General Assembly is in regular
28 session, fiscal session, or extraordinary session, the Joint Budget
29 Committee, for its approval.

30 (4) A state agency shall not provide a special compensation
31 award before the approval of the state agency's written plan for
32 administering special compensation awards under subdivision (c)(3) of this
33 section.

34 (5) If the state agency amends the written plan following its
35 approval under subdivision (c)(3) of this section, it shall:

36 (A) Submit the amended written plan for review by the

1 office and approval by Legislative Council or the Joint Budget Committee in
2 the same manner provided by subdivisions (c)((1)-(3) of this section; and

3 (B) Not provide a special compensation award under the
4 provisions of the amended written plan before the approval of the state
5 agency's amended written plan.

6 (d)(1) After a state agency's written plan for administering special
7 compensation awards has been approved under subdivision (c)(3) of this
8 section, the state agency may submit a request for a special compensation
9 award to the office for approval.

10 (2) A request under subdivision (a)(1)(A) of this section shall
11 include the following:

12 (A) A description of the project or assignment prompting
13 the special compensation award;

14 (B) A description of the work that was completed as part
15 of the project or assignment;

16 (C) The name or names of the employee or employees who
17 would receive the special compensation award; and

18 (D) A description of the special compensation award that
19 would be provided to the employee or employees.

20 (3) A request under subdivision (a)(1)(B) of this section shall
21 include the following:

22 (A) A list of the regularly assigned job duties of the
23 employee or employees;

24 (B) A list of the temporary duties assigned to the
25 employee or employees;

26 (C) The name or names of the employee or employees who
27 would receive the special compensation award; and

28 (D) A description of the special compensation award that
29 would be provided to the employee or employees.

30 (4) A request for a special compensation award under this
31 subsection shall be consistent with the written plan for administering
32 special compensation awards of the state agency.

33 (5) A state agency shall not provide a special compensation
34 award before the approval of the special compensation award by the office
35 under this subsection.

36 (e) A lump-sum special compensation award under this section shall be:

1 (1) Subject to withholding of all applicable state and federal
2 taxes; and

3 (2) Included by retirement systems in determining retirement
4 benefits.

5 (f)(1)(A) An employee shall not receive a special compensation award
6 under this section more than two (2) times in a biennium.

7 (B) The total compensation received from lump-sum bonus
8 payments under subdivision (b)(1) of this section during a biennium shall not
9 exceed ten thousand dollars (\$10,000).

10 (2) A special compensation award under this section may be
11 awarded to an employee whether or not the special compensation award would
12 result in the salary for the employee exceeding the maximum pay level for the
13 grade assigned to the employee's classification.

14 (3) An employee may receive a special compensation award and a
15 merit increase under § 21-5-1101 in the same fiscal year.

16 (g)(1) A special compensation award under this section is subject to a
17 state agency's ability to certify funding for a special compensation award.

18 (2) A state agency shall:

19 (A) Use existing funding for a special compensation award
20 under this section; and

21 (B) Not access the Performance Fund to provide a special
22 compensation award under this section.

23 (h) The office shall file monthly reports of special compensation
24 awards issued under this section with the Legislative Council or, if the
25 General Assembly is in regular session, fiscal session, or extraordinary
26 session, the Joint Budget Committee.

27 (i)(1) It is both necessary and appropriate that the General Assembly
28 maintain oversight by requiring prior approval of the Legislative Council or,
29 if the General Assembly is in regular session, fiscal session, or
30 extraordinary session, the Joint Budget Committee, as provided by this
31 section.

32 (2)(A) The requirement of approval by the Legislative Council or
33 the Joint Budget Committee under this section is not a severable part of this
34 section.

35 (B) If the requirement of approval by the Legislative
36 Council or the Joint Budget Committee under this section is found

1 unconstitutional by a court of competent jurisdiction, the entire section is
2 void.

3
4 21-5-228. Recruitment incentives.

5 (a)(1) A state agency may offer a recruitment incentive in connection
6 with an offer of employment to a prospective employee to assist with
7 recruitment efforts.

8 (2) The state agency shall determine whether to offer a
9 recruitment incentive and, if so, the type of incentive to offer.

10 (b) A recruitment incentive may consist of:

11 (1)(A) A bonus payment not to exceed five thousand dollars
12 (\$5,000).

13 (B) A bonus payment under subdivision (b)(1)(A) of this
14 section may be paid:

15 (i) In full to a prospective employee at the
16 beginning of his or her employment; or

17 (ii) In installments during the prospective
18 employee's required period of employment under subdivision (d)(1) of this
19 section; or

20 (2) Up to forty (40) hours of incentive leave that:

21 (A) Shall be used by the end of the calendar year
22 following the calendar year in which the prospective employee begins
23 employment with the state agency; and

24 (B) Shall not carry over to the subsequent calendar year.

25 (c) A person employed by the executive branch at the time of the offer
26 of employment is not eligible for a recruitment incentive under this section.

27 (d)(1) A person receiving a recruitment incentive under this section
28 shall commit to a required period of employment with the state agency.

29 (2) If the employee receives a recruitment incentive under this
30 section and voluntarily resigns or is terminated from employment with the
31 state agency before completing the required period of employment under
32 subdivision (d)(1) of this section, the following shall apply:

33 (A) If the employee received a bonus payment in full at
34 the beginning of his or her employment under subdivision (b)(1)(C)(i) of this
35 section, the employee shall repay the bonus payment to the state agency;

36 (B) If the employee is scheduled to receive a bonus

1 payment in installments under subdivision (b)(1)(C)(ii) of this section, the
2 employee shall:

3 (i) Repay to the state agency any installment
4 payments received before the date that the employee resigns or is terminated
5 from employment; and

6 (ii) Not receive the value of any installment
7 payments scheduled on or after the date the employee resigns or is terminated
8 from employment; and

9 (C) If the employee received an award of incentive leave
10 under subdivision (b)(2) of this section, the incentive leave shall:

11 (i) Expire when the employee resigns or is
12 terminated from employment; and

13 (ii) Not be liquidated by a lump-sum payment to the
14 employee when he or she separates from the state agency.

15 (3) If the employee does not repay a bonus payment under
16 subdivisions (d)(2)(A) or (d)(2)(B)(i) of this section within one hundred
17 eighty days (180) from the date the employee resigns or is terminated from
18 employment, the Revenue Division of the Department of Finance and
19 Administration may set off any refunds due the employee from the division by
20 the sum certified by the Office of Personnel Management as due and owing
21 under § 26-36-301 et seq.

22 (e)(1)(A) A state agency wishing to provide recruitment incentives to
23 prospective employees shall prepare a written plan for administering
24 recruitment incentives.

25 (B) The written plan under this subsection shall include:

26 (i) An explanation of how the recruitment incentives
27 will be implemented;

28 (ii) A list of the classifications eligible for
29 recruitment incentives; and

30 (iii) A description of the recruitment incentives
31 that may be provided to prospective employees.

32 (2) The written plan under this subsection shall be reviewed by
33 the office.

34 (3) When the office has completed its review of the written plan
35 under subdivision (e)(2) of this section, the office shall refer the written
36 plan to the Legislative Council or, if the General Assembly is in regular

1 session, fiscal session, or extraordinary session, the Joint Budget
2 Committee, for its approval.

3 (4) A state agency shall not provide a recruitment incentive
4 under this section before the approval of the state agency's written plan for
5 administering recruitment incentives under subdivision (e)(3) of this
6 section.

7 (5) If the state agency amends the written plan following its
8 approval under subdivision (e)(3) of this section, it shall:

9 (A) Submit the amended written plan for review by the
10 office and approval by Legislative Council or the Joint Budget Committee in
11 the same manner provided by subdivisions (e)((1)-(3) of this section; and

12 (B) Not provide a recruitment incentive under the
13 provisions of the amended written plan before the approval of the state
14 agency's amended written plan.

15 (f)(1) After a state agency's written plan for administering
16 recruitment incentives has been approved under subdivision (e)(3) of this
17 section, the state agency may submit a request for a recruitment incentive to
18 the office for approval.

19 (2) The request under subdivision (f)(1) of this section shall
20 include:

21 (A) The name of the prospective employee;

22 (B) A description of the position the prospective employee
23 would fill and his or her qualifications for the position;

24 (C) A description of the recruitment incentive that would
25 be provided to the prospective employee; and

26 (D) A specification of the required period of employment
27 for the prospective employee to retain the recruitment incentive.

28 (3) A request for a recruitment incentive under this subsection
29 shall be consistent with the written plan for administering recruitment
30 incentives of the state agency.

31 (4) A state agency shall not provide a recruitment incentive
32 before the approval of the recruitment incentive by the office under this
33 subsection.

34 (g) A bonus payment recruitment incentive under this section shall be:

35 (1) Subject to withholding of all applicable state and federal
36 taxes; and

1 (2) Included by retirement systems in determining retirement
2 benefits.

3 (h) A recruitment incentive under this section may be awarded to a
4 prospective employee whether or not the recruitment incentive would result in
5 the salary for the employee exceeding the maximum pay level for the grade
6 assigned to the employee's classification.

7 (i)(1) A recruitment incentive under this section is subject to a
8 state agency's ability to certify funding for a recruitment incentive.

9 (2) A state agency shall:

10 (A) Use existing funding for a recruitment incentive under
11 this section; and

12 (B) Not access the Performance Fund to provide a
13 recruitment incentive.

14 (j) The office shall file monthly reports of recruitment incentives
15 provided under this section with the Legislative Council or, if the General
16 Assembly is in regular session, fiscal session, or extraordinary session, the
17 Joint Budget Committee.

18 (k)(1) It is both necessary and appropriate that the General Assembly
19 maintain oversight by requiring prior approval of the Legislative Council or,
20 if the General Assembly is in regular session, fiscal session, or
21 extraordinary session, the Joint Budget Committee, as provided by this
22 section.

23 (2)(A) The requirement of approval by the Legislative Council or
24 the Joint Budget Committee under this section is not a severable part of this
25 section.

26 (B) If the requirement of approval by the Legislative
27 Council or the Joint Budget Committee under this section is found
28 unconstitutional by a court of competent jurisdiction, the entire section is
29 void.

30
31 SECTION 6. Arkansas Code § 21-5-1101 is amended to read as follows:

32 21-5-1101. Merit increase pay system – Definition.

33 (a)(1) The Department of Transformation and Shared Services is
34 authorized to develop and establish a merit increase pay system in accordance
35 with the performance evaluation process under § 21-5-1001 et seq. for
36 employees of all state agencies, boards, and commissions covered by the

1 Uniform Classification and Compensation Act, § 21-5-201 et seq.

2 (2)(A) The merit increase pay system shall be reviewed by the
3 Legislative Council or, if the General Assembly is in session, the Joint
4 Budget Committee.

5 (B) If the department amends the merit increase pay system
6 following its review under subdivision (a)(2)(A) of this section, it shall
7 submit the amended merit increase pay system for approval by the Legislative
8 Council or the Joint Budget Committee in the same manner provided by
9 subdivision (a)(2)(A) of this section.

10 (C) The department shall not implement an amended merit
11 increase pay system prior to the approval of the amended merit increase pay
12 system under subdivision (a)(2)(B) of this section.

13 (b) For the purpose of this subchapter, “merit increase pay system”
14 means a merit-based pay system that incorporates pay and performance
15 evaluation standards according to § 21-5-1001 et seq. and establishes
16 criteria for payments for employees who meet requisite performance
17 categories.

18 (c) Merit payments may be awarded to employees who satisfy performance
19 evaluation-based criteria developed by agencies in accordance with procedures
20 and policies developed and approved by the Office of Personnel Management
21 after review by the Legislative Council.

22 (d)~~(1)~~ A merit payment under this section may be awarded to an
23 employee whose salary is equal to or above the maximum pay level for the
24 grade assigned to the classification, resulting in the salary for the
25 employee exceeding the maximum pay level for the grade assigned to the
26 classification, if the merit payment resulting in an increase above the
27 maximum pay level is approved by the:

28 ~~(A)(1)~~ Legislative Council; or

29 ~~(B)(2)~~ Joint Budget Committee, if the General Assembly is
30 in regular, fiscal, or extraordinary session.

31 ~~(2)(A) It is both necessary and appropriate that each time a~~
32 ~~merit payment is provided to an employee whose salary is equal to or above~~
33 ~~the maximum pay level for the grade assigned to the classification, the~~
34 ~~General Assembly shall maintain oversight of those salary increases by~~
35 ~~requiring prior approval of the Legislative Council or, if the General~~
36 ~~Assembly is in regular, fiscal, or extraordinary session, the Joint Budget~~

1 Committee.

2 ~~(B) The requirement of approval by the Legislative Council~~
3 ~~or the Joint Budget Committee is not a severable part of this subsection.~~

4 ~~(C) If the requirement of approval by the Legislative~~
5 ~~Council or the Joint Budget Committee is found unconstitutional by a court of~~
6 ~~competent jurisdiction, this subsection shall be void.~~

7 (e)(1) It is both necessary and appropriate that the General Assembly
8 maintain oversight by requiring prior approval of the Legislative Council or,
9 if the General Assembly is in regular session, fiscal session, or
10 extraordinary session, the Joint Budget Committee, as provided by this
11 section.

12 (2)(A) The requirement of approval by the Legislative Council or
13 the Joint Budget Committee under this section is not a severable part of this
14 section.

15 (B) If the requirement of approval by the Legislative
16 Council or the Joint Budget Committee under this section is found
17 unconstitutional by a court of competent jurisdiction, the entire section is
18 void.

19
20 SECTION 7. Arkansas Code § 26-36-303(2)(F), concerning the definition
21 of “debt”, is amended to read as follows:

22 (F) Money owed to a claimant agency for all costs
23 resulting from an overpayment of wages or salaries, including without
24 limitation a lump-sum payment or the repayment of a bonus payment under § 21-
25 5-228(d)(2)(A) or § 21-5-228(d)(2)(B)(i);

26
27 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that employees of the State of
29 Arkansas provide critical services necessary to preserve the public peace,
30 health, and safety; that the provisions of this act are necessary to ensure
31 the continued services and operations of the state and to ensure that
32 necessary services and operations are provided to the citizens of the state;
33 that the next fiscal year of the State of Arkansas begins on July 1, 2024,
34 and operative appropriations will become effective on that date; and that it
35 is necessary for the continued provision of essential state services and
36 operations that this act become effective at the beginning of the forthcoming

1 fiscal year. Therefore, an emergency is declared to exist, and this act
2 being necessary for the preservation of the public peace, health, and safety
3 shall become effective on July 1, 2024."

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