

## 6-63-305. New or additional positions.

Statute text

(a)(1) In the event that additional federal funds, grants, gifts, or collections become available that were not authorized or contemplated at the time of the passage of the fiscal year appropriation act for operations for each institution enumerated in subsection (b) of this section, that such new funds make it possible for the recipient institution to engage in educational projects that would be of benefit to the State of Arkansas, and that such projects would make it necessary to employ additional personnel, the president of the recipient institution may establish the positions if:

(A) A request for a specific nonclassified position, title, and salary has been requested by the institution of higher education, approved by the institution's board of trustees, recommended by the Department of Higher Education, and reported to the Legislative Council; or

(B) A request for a specific classified position will be assigned only after a specific position, class title, and grade are requested by the institution of higher education, approved by the institution's board, recommended by the department and reported to the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee; and

(C) The salary rates for these positions do not exceed the highest maximum annual salary rate or the highest grade for any position authorized in the regular salary section of the requesting institution's appropriation act for operations, under the Higher Education Uniform Classification and Compensation Act, § 21-5-1401 et seq.

(2) The number of additional positions shall not exceed the maximum number of positions authorized for the institution in the appropriation act for operations.

(3) The source of funding for the additional positions established under this subsection shall be reported to the department and the Legislative Council by the institution at the time of the request.

(4) Determining the number of persons to be employed by an institution of higher education is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of persons by identifying the job titles and the maximum grades or salaries attached to them. The General Assembly has determined that the institutions of higher education could be operated more efficiently if some flexibility were given to the institutions. That flexibility is being accomplished by providing new or additional positions in subsection (b) of this section, and since the General Assembly has granted the institutions broad powers under the new or additional position concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the new or additional positions by requiring prior approval of the Legislative Council in the utilization of the new or additional positions. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The following maximum number of new additional positions is established for the biennium for the following institutions of higher education at salary rates not to exceed the salary rate or the highest grade level position of comparable positions established in the regular salaries section of the appropriations act for operations for each institution:

Institution Maximum Number of  
Additional Positions

(1) Arkansas State University-Jonesboro	300
(2) Arkansas State University-Mountain Home	40
(3) Arkansas State University-Beebe	100
(4) Arkansas State University-Newport	60
(5) Arkansas Tech University	65
(6) Black River Technical College	44
(7) Cossatot Community College of the University of Arkansas	105
(8) East Arkansas Community College	40
(9) National Park College	40
(10) Henderson State University	60
(11) Arkansas State University Mid-South	75
(12) Arkansas Northeastern College	70
(13) North Arkansas College	70
(14) Northwest Arkansas Community College	80
(15) College of The Ouachitas	40
(16) Ozarka College	46
(17) University of Arkansas Community College at Morrilton	40
(18) Phillips Community College of the University of Arkansas	40
(19) University of Arkansas — Pulaski Technical College	80
(20) University of Arkansas Community College at Rich Mountain	40
(21) South Arkansas Community College	50
(22) Southeast Arkansas College	60
(23) Southern Arkansas University	60
(24) SAU-Tech	40
(25) University of Arkansas at Fayetteville	750
(26) University of Arkansas — Agricultural Experiment Station	250
(27) University of Arkansas Cooperative Extension Service	250
(28) University of Arkansas — Arkansas Archeological Survey	150
(29) University of Arkansas — Criminal Justice Institute	250
(30) University of Arkansas at Little Rock	300
(31) University of Arkansas for Medical Sciences	1,000
(32) University of Arkansas at Monticello	100
(33) University of Arkansas at Pine Bluff	130
(34) University of Arkansas Community College at Batesville	40
(35) University of Arkansas Community College at Hope	40
(36) University of Central Arkansas	300
(37) University of Arkansas at Fort Smith	40
(38) University of Arkansas — Arkansas School for Mathematics, Sciences, and the Arts	60
(39) University of Arkansas — Clinton School of Public Service	75
(40) University of Arkansas system	50

(c) The positions established under this subchapter shall expire at the end of the fiscal year in which they are established.

(d) Each institution shall include in its annual budget request presented to the Legislative Council a request to continue any position authorized under this subchapter.

#### History

History. Acts 1983, No. 147, § 4; 1985, No. 845, § 1; A.S.A. 1947, § 80-5604; Acts 1989, No. 36, § 1; 1991, No. 1089, § 1; 1993, No. 823, § 2; 1995, No. 70, § 1; 1995, No. 1164, §§ 1, 3; 1999, No. 664, § 1; 2001, No. 739, § 1; 2003, No. 1460, § 1; 2003 (1st Ex. Sess.), No. 30, § 33; 2005, No. 2123, § 34; 2005, No. 2200, § 1; 2007, No. 620, § 1; 2007, No. 1255, § 38; 2009, No. 245, § 1; 2009, No. 688, § 1; 2009, No. 1334, § 37; 2015, No. 1273, §§ 1-3; 2016, No. 140, § 9; 2016, No. 141, § 9; 2017, No. 178, § 5; 2017, No. 179, § 7; 2017, No. 599, § 1.

	Authorized by Arkansas Code § 6-63-305	Positions Used	Remaining Balance
ASU JONESBORO	300	289	11
AR TECH	65	36	29
HENDERSON STATE	60	36	24
SAU MAGNOLIA	60	53	7
UA FAYETTEVILLE	750	519	231
UA SYSTEM	50	29	21
UA AGRI EXTENSION	250	27	223
UA-AGRI - COOP EXTENSION SERVICE	250	27	223
UA-ARCHEOLOGICAL SURVEY	150	0	150
UA-AR MATH AND SCIENCE	60	0	60
UA-CRIMINAL JUSTICE	250	14	236
UA-CLINTON SCHOOL	75	0	75
UA- FORT SMITH	40	21	19
UA - LITTLE ROCK	300	191	109
UA - MONTICELLO	100	50	50
UA - PINE BLUFF	130	126	4
UNIVERSITY OF CENTRAL ARKANSAS	300	31	269
UAMS	1000	447	553
ARKANSAS NORTHEASTERN COLLEGE	70	35	35
ASU - BEEBE	100	58	42
ASU - MOUNTAIN HOME	40	27	13
ASU - MID-SOUTH	75	45	30
ASU - NEWPORT	60	45	15
BLACK RIVER TECHNICAL	44	17	27
UA- COSSATOT COMM COLLEGE	105	45	60
COLLEGE OF THE OUACHITAS	40	40	0
EAST ARK COMM COLLEGE	40	18	22
NORTH ARK COLLEGE	70	42	28
NATIONAL PARK COLLEGE	40	26	14
NORTHWEST ARK COMM COLLEGE	80	33	47
OZARKA COLLEGE	46	28	18
UA- PHILLIPS COMM COLLEGE	40	21	19
SOUTH ARK COMM COLLEGE	50	50	0
SAU- TECH	40	16	24
SOUTHEAST ARK COLLEGE	60	45	15
UA- COMM COLLEGE BATESVILLE	40	9	31
UA- COMM COLLEGE HOPE	40	29	11
UA- COMM COLLEGE MORRILTON	40	23	17
UA- COMM COLLEGE RICH MOUNTAIN	40	33	7
UA-PULASKI TECH	80	52	28
	5,430	2,633	2,797