

# FEDERAL WAGE AND LABOR LAW INSTITUTE

## ARKANSAS DEPARTMENT OF LABOR

# NOTICE to employer & employee

### MINIMUM WAGE

All employees covered by Arkansas Code 11-4-202 to 11-4-220 must be paid a minimum wage of at least:

- \$7.50 an hour effective January 1, 2015 with an allowance for gratuities not to exceed \$4.87 per hour.
- \$8.00 an hour effective January 1, 2016 with an allowance for gratuities not to exceed \$5.37 per hour.
- \$8.50 an hour effective January 1, 2017 with an allowance for gratuities not to exceed \$5.87 per hour.

### COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more persons. All employees of the above employers are covered except:

- Executive, administrative or professional employees.
- Outside commission-paid salesmen.
- Students whose work is a part of a bona fide vocational training program.
- Students who work in the schools they are attending.
- Some farm laborers.
- Independent contractors.
- Employees of the United States.

### STUDENT RATE

Any full-time student attending any accredited institution of education within the State of Arkansas, and who is employed to work an amount not to exceed twenty (20) hours during weeks that school is in session or forty (40) hours during weeks when school is not in session, such rate of wage shall be equal to not less than eighty-five (85%) of the applicable minimum wage provided a Student Certificate of Eligibility is obtained from the Arkansas Department of Labor. Student workers subject to the 85% provision of the applicable minimum wage rate and a gratuity allowance shall not be paid less than the base wage guaranteed any other employee subject to a gratuity allowance.

### HANDICAPPED WORKERS

The Director has established procedures for employment of these workers. For further information contact the Department of Labor.

### STUDENT-LEARNERS

A "Student-Learner" is a person who is receiving regular instructions in an accredited school and who is employed on a part-time basis in a bona fide training program. For further information contact the Department of Labor.

### OVERTIME PAY

Overtime compensation must be paid at the rate of one and one-half times the regular hourly rate of pay for hours worked in excess of 40 hours in a workweek. This overtime provision shall not be applicable with respect to employers with less than 4 employees, or agricultural employees.

### WORKWEEK

A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods.

### ENFORCEMENT

Powers of the Director of Labor: The Director or his representatives have the authority to:

- (a) enter and inspect any place of employment in the State to examine books, payrolls, and records having to do with wages and hours. He may copy these records if necessary and may question any employees to find out if the law is being obeyed.
- (b) require written or sworn statements from an employer about his employees' earnings and hours of work.
- (c) enforce all regulations issued thereunder.

### DEDUCTIONS FROM THE MINIMUM WAGE

No deduction from the applicable minimum wage may be made except those authorized or required by law or by regulations of the Director of Labor, however, deductions which are not otherwise prohibited and which are for the employee's benefit may be made if authorized in writing by the employee.

### KEEPING OF RECORDS

All employers subject to the Minimum Wage Law must keep accurate records for a period of three (3) years. These records must include the name, address, occupation, rate of pay, hours worked and the amount paid each pay period for all employees covered by the law. In addition, every employer who claims an allowance for tips, board, lodging, apparel or other items or services as part of the applicable minimum wage rate, must maintain daily records showing for each employee the amounts claimed as allowances and must maintain records which will substantiate the amount of tips actually received by the employee or the employer's reasonable cost in supplying items or services to the employee.

### EQUAL PAY ACT

No employer in the State of Arkansas shall discriminate in the payment of wages as between the sexes or shall pay any female in his employ, salary or wage rate less than the rates paid to male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or difference in duties and services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex. Every employer shall keep and maintain records of the salaries and wage rates, job classifications and other terms and conditions of employment of the persons employed by him and such records shall be preserved for a period of three (3) years.

### PENALTIES

Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of these statutes or otherwise willfully violates any provision of these statutes or of any regulation issued under it shall be deemed in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this subsection, each such violation shall constitute a separate offense. Any employer who willfully discharges or in any other manner willfully discriminates against any employee because such employee has made any complaint to his employer, to the Director of Labor, or his authorized representative that he has not been paid minimum wages in accordance with the provisions of these statutes, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to these statutes, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day the violation continues shall constitute a separate offense. In addition to the civil penalty, the Director of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person, firm, corporation, partnership, or association who violates the provision of these statutes or any regulation.

### EMPLOYEES REMEDIES

The Director of Labor may enforce Arkansas minimum wage law by instituting legal action to recover any wages due. An employee may bring an action for equitable and monetary relief against an employer, including the State of Arkansas or a political subdivision of the state, if the employer pays the employee less than the minimum wages, including overtime wages, to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before bringing an action. An employee may recover the full amount of wages due plus costs and a reasonable attorney's fee. The employee may also be awarded an additional amount up to but not greater than the amount of wages found to be due, to be paid as liquidated damages.

### CHILD LABOR

State law regulates the employment of minors under the age of 17 and, generally, requires children under the age of 16 to have employment certificates. Employment certificates for children ages 14 and 15 are not required for seasonal agricultural laborers, newspaper carriers, or batboys of professional baseball clubs, or sports referees.

Special provisions govern the employment of children in the entertainment industry, otherwise, children who are 14 and 15 years of age may not work:

- More than 8 hours a day.
- More than 6 days a week.
- More than 48 hours a week.
- Before 6:00 a.m. nor after 7:00 p.m. except on nights preceding non-school days, such children may work until 9:00 p.m.

Children under 14 may not be employed except in the entertainment industry, as newspaper carriers, bat boys or bat girls of professional baseball clubs, sports referees, to hand harvest short season crops, or by their parents or guardians during school vacation.

Children who are 16 years of age may not work:

- More than 10 consecutive hours in any one day; no more than ten 10 hours in a twenty-four hour period.
- More than 6 days a week.
- More than 54 hours a week.
- Before 6:00 a.m. nor after 11:00 p.m. except that the limitations of 6:00 a.m. and 11:00 p.m. shall not apply to children 16 years of age employed on nights preceding non-school days in occupations determined by rule of the Arkansas Department of Labor to be sufficiently safe for their employment.

Provided, however, that no boy or girl between the ages of 16 and 18 shall be subject to the provisions of this Act if:

- (a) such boy or girl is a graduate of any high school, vocational school or technical school;
- (b) such boy or girl is married or is a parent.

Act 647 of 1987 allows for the employment of children in the entertainment industry provided the child is issued an Entertainment Work Permit by the Director of Labor. Child labor violations result in a civil money penalty of not less than \$50.00 and not more than \$1,000.00 for each violation.

### IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, TELEPHONE 682-4505.

### WAGE COLLECTION ACT

The Wage Collection Act provides assistance to any employee in the collection of wages due him or her for work performed. Work performed shall include all or any work or service performed by any person employed for any period of time where the wages or salary or remunerations for such work or services are to be paid at stated intervals or at the termination of such employment, or for physical work actually performed by an independent contractor, provided that the amount in controversy does not exceed the sum of two thousand dollars (\$2,000.00). Employees who need help in collecting wages due them should contact the Arkansas Labor Department. Telephone 682-4510.

### THIS POSTER CONTAINS ONLY A SUMMARY Copies of the complete laws and regulations are available from the Department of Labor.

ARKANSAS DEPARTMENT OF LABOR  
10421 WEST MARKHAM STREET  
LITTLE ROCK, ARKANSAS 72205  
PHONE (501) 682-4500  
FAX (501) 682-4506  
TDD (800) 285-1131

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Form AR-P	ARKANSAS WORKERS' COMPENSATION COMMISSION	P
Ark. Code Ann. §11-9-403,407 AWCC Rule7 Updated: 06-16-14	324 Spring Street, Little Rock, AR 72201 Mail: P.O. Box 950, Little Rock, AR 72203-0950 Little Rock Office – 1-800-622-4472 / 501-682-3930 Springdale Office – 1-800-852-5376 / 479-751-2790	
<b>WORKERS' COMPENSATION INSTRUCTIONS TO EMPLOYERS AND EMPLOYEES</b>		
All employees of this establishment entitled to benefits under the provisions of the Arkansas workers' compensation laws are hereby notified that their employer has secured the payment of such compensation as may at any time be due employees or their dependents. This employer is required by state law to provide workers' compensation coverage or this employer has waived the exclusion or exemption from the operation of the workers' compensation laws, and the employer certifies by the display of this poster that workers compensation coverage is now provided by a worker's compensation insurance policy or by enrollment in the Arkansas Self-Insurance Program or by the Public Employee Claims Division of the Arkansas Insurance Department.		
(Place label indicating Insurer's Name, Claims Office Address, Claims Office Phone Number and Policy Expiration Date)		
<b>IN CASE OF JOB-RELATED INJURIES OR OCCUPATIONAL DISEASES</b>		
<b>The Employer Shall:</b>		
<ol style="list-style-type: none"> <li>1. Provide all necessary medical, surgical and hospital treatment, as required by law, following the injury and for such additional time as ordered by the Workers' Compensation Commission.</li> <li>2. Provide compensation payment in accordance with the provisions of the law. The first installment of compensation becomes due on the 15th day after the employer has notice of the injury or death, except in those cases where liability has been denied by the employer.</li> <li>3. Provide prompt reporting of accidents to appropriate parties.</li> <li>4. Keep a record of all injuries received by its employees.</li> </ol>		
<b>The Employee Shall:</b>		
The employee shall report the injury to the employer on Form N and to a person or at a place specified by the employer, unless the injury either renders the employee physically or mentally unable to do so, or the injury is made known to the employer immediately after it occurs. The employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's notice of injury. All reporting procedures specified by the employer must be reasonable and shall afford each employee reasonable notice of the reporting requirements. The foregoing shall not apply when an employee requires emergency medical treatment outside the employer's normal business hours; however, in that event, the employee shall cause a report of the injury to be made to the employer on the employer's next regular business day.		
Failure to give such notice shall not bar any claim (1) if the employer had knowledge of the injury or death, (2) if the employee had no knowledge that the condition or disease arose out of and in the course of employment, or (3) if the Commission excuses such failure on the grounds that for some satisfactory reason such notice could not be given. Objection to failure to give notice must be made at or before the first hearing on the claim.		
<b>Statutory Information:</b>		
Ark. Code Ann. §11-9-514 (b) states "Treatment or services furnished or prescribed by any physician other than the ones selected according to the foregoing, exempt emergency treatment, shall be at the claimant's expense." Ark. Code Ann. §11-9-514 (f), however, indicates: When compensability is controverted, subsection (b) shall not apply if: (1) The employee requests medical assistance in writing prior to seeking the same as a result of an alleged compensable injury; and (2) The employer refuses to refer the employee to a medical provider within forty-eight (48) hours after such written request as provided above; and (3) The alleged injury is later found to be a compensable injury; and (4) The employer has not made a previous offer of medical treatment.		
If you have any questions regarding your rights under the Arkansas workers' compensation laws, you may call an Arkansas Workers' Compensation Commission legal advisor at our toll-free number listed above.		
All employers who come within the operation of the Arkansas workers' compensation laws and have complied with its provisions must post this notice in a <b>CONSPICUOUS</b> place in or about their place or places of business.		
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## Arkansas Clean Indoor Air Act of 2006

**Smoking is prohibited in all public places and enclosed areas within places of employment.**

For more information go to: [www.arcleanair.com](http://www.arcleanair.com) Or call 1-800-235-0002

It is unlawful for any employer to discriminate or retaliate in any manner against a person for making a complaint of a possible violation.

Arkansas State Board of Health

Department of <b>WORKFORCESERVICES</b>	<b>NOTICE TO EMPLOYEES HOW TO CLAIM UNEMPLOYMENT INSURANCE</b>
Employees of _____ are covered by the Department of Workforce Services Law.	
This Law provides Unemployment Insurance Benefits for unemployed workers and under certain conditions, for those working only part time.	
As a covered employee, your employer has contributed to or will reimburse the Arkansas Unemployment Trust Fund from which benefits are paid. <b>NO DEDUCTIONS CAN BE MADE FROM YOUR WAGES FOR THIS PURPOSE.</b> Be sure your employer has your correct Social Security Account Number.	
A. If and when you know you are going to be out of work for a calendar week or more, <b>YOU SHOULD PROMPTLY:</b>	
File a claim for benefits through the Department of Workforce Services office nearest you.	
We will try to help locate work for you both before benefit payments start and while they are being paid.	
B. If you are attached to a regular employer, working less than full time due entirely to lack of work, you may be eligible for partial Unemployment Insurance Benefits.	
In that case, claim partial benefits— <b>promptly</b> —by reporting the facts (dates, wages, employer) to your Local Office. <b>Do not delay doing this.</b>	
Our Local Office will answer questions and supply further information.	
Full time Local Offices are situated in the following cities to provide services to Unemployment Insurance Claimants:	
Arkadelphia Batesville Benton Blytheville Camden Conway El Dorado Fayetteville Forrest City Fort Smith Harrison	Helena Hope Hot Springs Jacksonville Jonesboro Little Rock Midtown Magnolia Malvern Mena Monticello Mountain Home
Newport Paragould Pine Bluff Rogers Russellville Searcy Texarkana Walnut Ridge West Memphis	
CAUTION: False statements to obtain benefits, concealment of material facts, or failure to report earnings for the purpose of obtaining or increasing Unemployment Insurance Payments, are violations of criminal Laws and lead to prosecution.	
DWS-ARK-237 (Rev. 1-07)	

ARAIOE V. 3.0

7001 W. 43RD STREET  
HOUSTON, TEXAS 77092

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