UNEMPLOYMENT INSURANCE

Arkansas Department of Labor

Employer Services

Notice to Employees Regarding Unemployment Insurance

Arkansas Department of Labor

NOTICE TO EMPLOYERS

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 disregards 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 to 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.

EMPLOYERS 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 employer 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 those 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, 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 vacations.

Children who are 16 years of age may not work:

* More than 10 consecutive hours in any one day; no more than ten hours in a twenty-four hour period.
* More than 6 days a week.
* More than 48 hours a week.
* Before 6:00 a.m. or 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 vacations.

Children who are 16 years of age may not work:

* More than 10 consecutive hours in any one day; no more than ten hours in a twenty-four hour period.
* More than 6 days a week.
* More than 48 hours a week.
* Before 6:00 a.m. or 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. No 16-year old 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 947 of 1987 allows for the employment of children in the entertainment industry provided the child is issued an Entertainment 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, CALL 1-800-242-4505.

WAGE COLLECTION ACT

The Wage Collection Act provides assistance to any employees 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 statutes 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

EMLOYER SUBJECT TO THE MINIMUM WAGE ACT ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE FOR ALL EMPLOYEES.

Effective January 1, 2019

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