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 Federal or State agencies.

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 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 employers.

WORKWEEK

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

ENFORCEMENT

PTEDENOS

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.
(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 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 employees subject to the Minimum Wage Law must keep accurate records for a period of three (3) years. Those 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 which 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 paid to any employee as evidence of the differentials in his pay to different employees.

PENALTIES

Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duty, or who statutes or otherwise willfully violates any provision of these statutes or 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 section, each such violation shall constitute a separate offense. Any employer who willfully deprives any employee of the provisions 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, in the event of a civil penalty of not less than fifty dollars ($50.00) and not more than one thousand dollars ($1,000.00) for each violation, the employer shall pay reasonable attorney’s fees and costs and shall be deemed in violation of the Minimum Wage Law.

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 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 16 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, sports referees, to hand harvest short season crops, or by their parents or guardians during school vacation. 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 vacation. Children who are 16 and 17 years of age may not:

(a) work more than 10 consecutive hours in any one day; no more than ten hours in a twenty-four hour period.
(b) work 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 and 17 years of age employed on nights preceding non-school days in occupations determined by the rules 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:

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