

ARKANSAS DEPARTMENT OF LABOR AND LICENSING

HUMAN TRAFFICKING NOTICE

IF YOU OR SOMEONE YOU KNOW IS BEING FORCED TO ENGAGE IN ANY ACTIVITY AND CANNOT LEAVE – WHETHER IT IS COMMERCIAL SEX, HOUSEWORK, FARM WORK, OR ANY OTHER ACTIVITY –

**Si usted o alguien que usted conoce está siendo forzado a participar en una actividad y no puede dejar - si se trata de comercio sexual, trabajo doméstico, trabajo agrícola, o cualquier otra actividad -*

CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE AT 1-888-373-7888 TO ACCESS HELP AND SERVICES. VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED UNDER UNITED STATES AND ARKANSAS STATE LAW. MORE INFORMATION IS ALSO AVAILABLE AT **WWW.POLARISPROJECT.ORG**.

**Llame a la Línea Nacional sobre la Trata de Centro de Recursos en 1-888-373-7888 para acceder a la ayuda y los servicios. Las víctimas de trata de seres humanos están protegidos por Estados Unidos y la ley del estado de Arkansas.*

THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE:

(La Línea Nacional sobre la Trata de Centro de Recursos)

- **Available 24 hours a day, 7 days a week** **Disponible 24 horas al día, 7 días a la semana*
- **Toll-free** **Número gratuito*
- **Operated by a non-profit, non-governmental organization** **Operado por una organización sin fines de lucro, no gubernamental*
- **Anonymous and confidential** **Anónimo y confidencial*
- **Accessible in 170 languages** **Accesible en 170 idiomas*
- **Able to provide help, referral to services, training, & general information** **Ser capaz de ofrecer ayuda, referido a los servicios, la formación e información general*

***Ark. Code Ann. § 12-19-102 requires the following establishments to display this poster (at least 8 1/2" x 11" in size) in a conspicuous place near the entrance, or where posters and notices of this type customarily are posted:**

- A hotel, motel, or other establishment that has been cited as a public nuisance for prostitution under Ark. Code Ann. § 20-27-401
- A strip club or other sexually oriented business
- A private club that has a liquor permit for on-premises consumption and does not hold itself out to be a food service establishment
- An airport
- A train station that serves passengers
- A bus station
- A privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and overnight parking.



VISIT THE ARKANSAS DEPARTMENT OF LABOR AND
LICENSING AT WWW.LABOR.ARKANSAS.GOV

900 WEST CAPITOL AVENUE, LITTLE ROCK, AR, 72201-3108 PHONE: (501) 682-4500

NOTICE

TO EMPLOYER AND EMPLOYEE

Act 556 of 1991 entitled the

PUBLIC EMPLOYEES' CHEMICAL RIGHT TO KNOW ACT

PURPOSE

The purpose of this law is to provide public employees access to training and information concerning hazardous chemicals in order to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

PUBLIC EMPLOYERS' DUTIES

Public employers are responsible for the following as set out by the law:

1. Post adequate notice to inform employees of their rights
2. Ensure proper chemical labeling
 - a. Existing labels on containers of hazardous chemicals are not to be removed
 - b. If a chemical is transferred to another container, it must also be labeled with the name and appropriate warnings, as provided in this law
 - c. A public employer is not required to label chemicals that have been transferred to a portable container by an employee when that employee is going to immediately use the chemical.
3. Maintain and make material safety data sheets available
 - a. Chemical manufacturers and distributors must provide public employers with the appropriate MSDSs within the prescribed times
 - b. Public employers must maintain current copies of each MSDS and have them available to employees and their designated representatives upon request within the prescribed time
 - c. The employer must not require an employee to work with a chemical until a MSDS can be furnished except as indicated by this law
 - d. An employee who declines to work with a chemical may not be penalized
 - e. Public employers shall provide a copy of MSDSs to the Director of Labor upon request
4. Compile and maintain a workplace chemical list for hazardous chemicals used, generated, or stored in amounts of 55 gallons or 500 pounds or more
 - a. The Workplace Chemical List must show the chemical or common name used on the MSDS and/or the container label, the Chemical Abstracts Service Number and the work area where it will normally be used, generated, or stored
 - b. Chemical lists shall be filed with the Director of Labor no later than October 14, 1991, updated when necessary, and refiled July 1 of each year
5. Provide employees with information and training
 - a. The Director of Labor is responsible for maintaining a general information and training assistance program to aid public employers
 - b. Additional training must be provided when a new hazard is introduced, when new information is received, or before new employees are assigned to a job
 - c. Information and training programs must meet the requirements specified in the law and in the regulations of the Director of Labor.
 - d. Information and training programs must be developed by January 15, 1992, and initial information and training must be provided prior to July 15, 1992. Employers must keep a record of the dates of training sessions given to their employees.
 - e. The Director of Labor's rules and regulations concerning refresher training and training exemptions must be followed

6. Handle trade secrets in accordance with provisions set out in the law

- a. The Director of Labor can request data substantiating a trade secret claim when asked to by an employee, designated representative, or public employer
- b. All information will be kept confidential

PUBLIC EMPLOYEES' RIGHTS

Public employees who may be exposed to hazardous chemicals must be informed and shall have access to the Workplace Chemical List, MSDSs for the chemicals on the list, and information and training as provided in this act.

A public employee cannot be disciplined, discharged or discriminated against for requesting information, filing a complaint, assisting an inspector of the Department of Labor and Licensing, causing any complaint or proceeding to be instituted, testifying in any proceeding, or exercising any right afforded by this law.

Any waiver of the benefits or requirement of this law are a violation and are therefore null and void.

COMPLAINTS AND INVESTIGATIONS

The Director of the Department of Labor will investigate written and oral complaints from public employees concerning violations of this law. The Director or his designated representative has the authority to enter the workplace and conduct a thorough investigation of the complaint as specified by this law.

ENFORCEMENT

If the Director of Labor finds a public employer in violation of this law, he shall issue an order to cease and desist the act or omission constituting the violation.

If the Director of Labor finds that a public employer has failed to provide the required information and training by the prescribed time, he may conduct the program and charge the employer for the costs incurred.

Violation of this act shall be cause for adverse personnel action against the responsible supervisor as set out in this act.

CAUSE OF ACTION - ATTORNEY FEES

Any citizen denied their rights under this law may commence civil action in circuit court and the court shall hear the petition within seven days.

The court shall have the jurisdiction to restrain violations of this act and to order all appropriate relief. Those who refuse to comply with these orders will be in contempt of court.

Attorney fees and court costs will be assessed to the defendant and plaintiff as set out by the law.

NO EFFECT ON OTHER LEGAL DUTIES

The provision of information to a public employee does not affect the liability of the employer with regard to the health and safety of the employee, or the employer's responsibility to prevent the occurrence of occupational disease.

The provision of information to an employee also does not affect any other duty or responsibility of a chemical manufacturer or distributor to warn users of a hazardous chemical.

**ARKANSAS DEPARTMENT OF
LABOR AND LICENSING**

900 W. Capitol Avenue; Suite 400

Little Rock, Arkansas 72201

PH. (501) 682-4500

EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE

ARKANSAS DEPARTMENT OF LABOR AND LICENSING

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:

- \$9.25 an hour effective January 1, 2019 with an allowance for gratuities not to exceed \$6.62 per hour.
- \$10.00 an hour effective January 1, 2020 with an allowance for gratuities not to exceed \$7.37 per hour.
- \$11.00 an hour effective January 1, 2021 with an allowance for gratuities not to exceed \$8.37 per hour.

COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more persons. Common exemptions include:

- *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 and Licensing. 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 rules for employment of these workers. For further information contact the Department of Labor and Licensing.

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 and Licensing.

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

The Director of the Division of Labor 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; and
- (c) enforce all administrative rules.

DEDUCTIONS FROM
THE MINIMUM WAGE

No deduction from the applicable minimum wage may be made except those authorized or required by law or by rule 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 the Minimum Wage Law or of any rule issued under it 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 law, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to the law, 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 the law or any rule.

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 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 for willful violations.

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 and Licensing 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 682-4534.

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 and Licensing. Telephone 682-4599.

THIS POSTER CONTAINS
ONLY A SUMMARY

Copies of the complete laws and administrative rules are available from the Department of Labor and Licensing.

ARKANSAS DEPARTMENT OF LABOR AND
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