

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
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EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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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: \$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

After August 1, 2023, permits will no longer be required. NOTE: All state and federal laws regarding work activities and hours will remain in effect and will be enforced. Enhanced civil and criminal penalties for child labor law violations were provided by Act 687 of 2023.

State law regulates the employment of minors under the age of 17. 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 \$100.00 and not more than \$5,000.00 for each violation.**

IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, TELEPHONE 682-4500.

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.

THIS POSTER CONTAINS ONLY A SUMMARY

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

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