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

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) percent of the applicable minimum wage. 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.
(b) require written or sworn statements from an employer about his employees’ earnings and hours of work.
(c) enforce all administrative rules.

DEDUCTIONS FROM THE MINIMUM WAGE
No deduction from the applicable minimum wage may be made except those authorized 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 support the value of the allowance for tips, board, lodging, apparel or other items or services.

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 employment, salary or wages at a rate less than the rates employed male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon differences in seniority, experience, training, skill, ability, or difference in duties and services performed, or difference in the shift or time of the day worked. An employer may reasonably differentiate the rates of pay for comparable work of the same classification in accordance with the sex of the employees employed by him, provided the 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 under the Minimum Wage Law or of any rule issued under it shall be subject to a civil penalty of not less than five 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 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 proceeding under or related to the law, 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 of such violation 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 laws 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 applicable minimum wage, 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 17 to have entertainment work permits. Employment certificates for children ages 14 and 15 are 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.
- More than 6 days a week.
- 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 54 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, such children may work until 8:00 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 hours in a twenty-four hour period.
- More than 6 days a week.
- More than 54 hours a week.

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 this Act.

IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, CALL 1-800-341-5050.

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 remuneration 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. Any 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 LICENSING
LITTLE ROCK, ARKANSAS 72201
PHONE (501) 682-4500 FAX (501) 682-4506
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