Arkansas Department of Labor and Licensing

Notice to Employer & Employee

Minimum Wage

All employees covered by Arkansas Code 11-4-202 to 11-4-230 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 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 Arkansas 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 in a part-time basis in a bona fide training program. For further information contact the Arkansas 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. The 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:

- 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 employee to find out if the law is being obeyed.
- Require written or sworn statements from an employer about his employees' earnings and hours of work.
- Enforce all administrative rules.

Deductions from the Minimum Wage

No deduction from the applicable minimum wage may be made unless authorized by law or by order 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 establish whether the minimum wage rates were paid 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 between the sexes or shall pay any female in his employ, salary or wage rate less than the rates employed to males for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon sex for 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 shall not make any other reasonable differentation except difference in sex. Every employer shall keep and maintain records of the rates of pay, hours worked, and job classifications of 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 under the Minimum Wage Law of or 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 wage in accordance with the law, or because such employee has caused 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. An employer may 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. 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.

Employee 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 wage rate, including overtime wage to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before bringing an action. The employee may recover the full amount of wages due plus costs and a reasonable attorney's fee. The court 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 14 to have minimum wage certificates. Employment certificates for children ages 14 and 15 are not required for seasonal agricultural laborers, newspaper carriers, or bat boys 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 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 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 or engaged in occupations determined by rule of the Arkansas Department of Labor and Licensing to be sufficiently safe for their employment.

Provisions of the Act that any child between the ages of 16 and 18 shall be subject to the provisions of this Act:

(a) a boy or girl is a graduate of any high school, vocational school or technical school;
(b) a 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 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. At the request of 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 Licensing

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Employers Subject to the Minimum Wage Act Are Required to Post This Notice in a conspicuous place at every place of business at which they are engaged in such business.

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