MINIMUM WAGE

All employees covered by Arkansas Code 11-4-202 to 11-4-219 must be paid a minimum wage of at least:

- $5.15 an hour effective October 1, 1997 with an allowance for gratuities not to exceed 50% of the minimum wage.
- $6.25 an hour effective October 1, 2006 with an allowance for gratuities not to exceed $3.62 per hour.

COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more workers.

All employees of the above employers are covered except:

- Executive, administrative or professional employees.
- *Outsiders.*
- *Students.*
- *Farm labor.*
- *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. 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 who is employed on a part-time basis in a bona fide vocational 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 employees.

WORKWEEK

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

ENFORCEMENT

Powers of the Director of Labor:

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. He may copy these records if necessary and may question any employees to find out if the law is being obeyed.

(b) require the submission of statements from an employer about his employees’ earnings and hours of work.

(c) enforce all regulations issued thereunder.

DEDUCTIONS FROM WAGES

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 employers subject to the Minimum Wage Act 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 law. In addition, any employer claims an allowance for tips, board, lodging, apparel or other items or services as part of the applicable minimum wage rate must maintain daily 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. These 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 these 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 subsection, each such violation shall constitute a separate offense. Any employer or any willfully discharges or in any other manner with discrimination deprives payment to 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 provisions of these statutes, 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 violating the provisions of these statutes or any regulation.

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 money relief against an employer, including in the courts 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 teams.

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. or after 7:00 p.m. on school days.
* Before 11:00 p.m. on non-school days.
* During school vacations.
* On school holidays.

Children under 14 may not be employed except in the entertainment industry, as newspaper carriers, batboys at baseball games, and women employed to work an amount not to exceed 20 hours during weeks that school is not in session.

Children who are 16 and 17 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 94 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 and 17 years of age employed on nights preceding non-school days in occupations determined by rule 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.

(a) such boy or girl is a graduate of any high school, vocational school or technical school; and
(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 subject to 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 682-4505.

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 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.

Telephone 682-4510.

THIS POSTER CONTAINS ONLY A SUMMARY

Copies of the complete laws and regulations are available from the Department of Labor.

ARKANSAS DEPARTMENT OF LABOR

10421 WEST MARKHAM STREET
LITTLE ROCK, ARKANSAS 72205
PHONE (501) 682-4500
FAX (501) 682-4506
TDD (800) 285-1131

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

12/2009