

LABOR LAWS

**Since 1953** 

## FEDERAL

# ARKANSAS

## FED

U.S. Equal Employment Opportunity Commission

Know Your Rights: Workplace Discrimination is Illegal

## The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

(including accommodation) or pregnancy

What can You Do if You Believe

**Discrimination has Occurred?** 

Contact the EEOC promptly if you suspect discrimination.

Do not delay, because there are strict time limits for filing

a charge of discrimination (180 or 300 days, depending on

where you live/work). You can reach the EEOC in any of the

1-800-669-4000 (toll free)

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

**EMPLOYERS HOLDING FEDERAL** 

CONTRACTS OR SUBCONTRACTS

nondiscrimination and affirmative action commitments of

companies doing business with the Federal Government.

If you are applying for a job with, or are an employee of, a

company with a Federal contract or subcontract, you are

protected under Federal law from discrimination on the

Race, Color, Religion, Sex, Sexual Orientation,

Executive Order 11246, as amended, prohibits employment

discrimination by Federal contractors based on race, color,

religion, sex, sexual orientation, gender identity, or national

origin, and requires affirmative action to ensure equality of

Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants

and employees of Federal contractors from discrimination

based on inquiring about, disclosing, or discussing their

compensation or the compensation of other applicants or

Section 503 of the Rehabilitation Act of 1973, as amended,

protects qualified individuals with disabilities from

discrimination in hiring, promotion, discharge, pay,

accommodation to the known physical or mental

fringe benefits, job training, classification, referral, and

Disability discrimination includes not making reasonable

other aspects of employment by Federal contractors.

limitations of an otherwise qualified individual with a

The Department of Labor's Office of Federal Contract

Compliance Programs (OFCCP) enforces the

**Gender Identity, National Origin** 

opportunity in all aspects of employment.

1-800-669-6820 (TTY)

www.eeoc.gov/field-office)

info@eeoc.gov

accommodation

following ways:

Submit

Call

Visit

E-Mail

following bases:

employees.

Disability

exercise rights, regarding disability discrimination

## Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants Union members and applicants for membership in a union

#### What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of

- Race
- Color Religior
- National origin
  - Sex (including pregnancy, childbirth, and related
  - medical conditions, sexual orientation, or gender
  - identity) Age (40 and older)
- Disability
  - Genetic information (including employer requests Additional information about the for, or purchase, use, or disclosure of genetic tests, EEOC, including information about genetic services, or family medical history) filing a charge of discrimination, is
  - Retaliation for filing a charge, reasonably opposing available at www.eeoc.gov. discrimination, or participating in a discrimination
- lawsuit, investigation, or proceeding Interference, coercion, or threats related to
- exercising rights regarding disability discrimination or pregnancy accommodation

#### What Organizations are Covered?

- Most private employers
- State and local governments (as employers) Educational institutions (as employers)
- Unions
- Staffing agencies
- What Employment Practices can be Challenged

### as Discriminatory?

- All aspects of employment, including: Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief,
- observance or practice Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or

disabilities at all levels of employment, including the executive level.

#### **Protected Veteran Status**

#### The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

#### an inquiry through the EEOC's public portal: Retaliation https://publicportal.eeoc.gov/Portal/Login.aspx

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP)

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington DC 20210 1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

### **PROGRAMS OR ACTIVITIES RECEIVING** FEDERAL FINANCIAL ASSISTANCE

#### Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex n educational programs or activities which receive Federal financial assistance.

#### Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job If you believe you have been discriminated against in a

program of any institution which receives Federal financial assistance, you should immediately contact the Federal

## **\$7.25 PER HOUR BEGINNING JULY 24, 2009**

The law requires employers to display this poster where employees can readily see it. **OVERTIME PAY** 

**EMPLOYEE RIGHTS** 

**UNDER THE FAIR LABOR STANDARDS ACT** 

FEDERAL MINIMUM WAGE

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

#### **CHILD LABOR**

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An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment

#### **TIP CREDIT**

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

#### PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

#### ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

#### **ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WH1088

REV. 04/2023

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for

qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees

YOUR EMPLOYEE RIGHTS UNDER THE FAMILY

AND MEDICAL LEAVE ACT

- Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:
- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous

You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

#### Am I eligible to take FMLA leave?

calendar year,

a gualifying exigency

must notify you in writing:

How do I request FMLA leave?

Generally, to request FMLA leave you must:

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- You are an **eligible employee** if **all** of the following apply:
- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

You do not have to share a medical diagnosis but must provide enough information to your employer so they can

determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was** 

Your employer may request certification from a health care provider to verify medical leave and may request certification of

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health

conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of

Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and

Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law.

For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm** 

whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer

- Your employer has at least 50 employees within 75 miles of your work location.
- Airline flight crew employees have different "hours of service" requirements.

You work for an elementary or public or private secondary school, or

Follow your employer's normal policies for requesting leave,

Give notice at least 30 days before your need for FMLA leave, or

If advance notice is not possible, give notice as soon as possible.

bargaining agreement that provides greater family or medical leave rights

the U.S. Office of Personnel Management or Congress.

If you are eligible for FMLA leave, your employer must:

What does my employer need to do?

previously taken or approved for the same reason when requesting additional leave

Allow you to take job-protected time off work for a qualifying reason,

conditions, including shift and location, at the end of your leave.

by Title II of the FMLA, administered by the Office of Personnel Management.

You work for a **covered employer** if **one** of the following applies:

#### **MINIMUM WAGE**

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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.

#### EOUAL PAY ACT

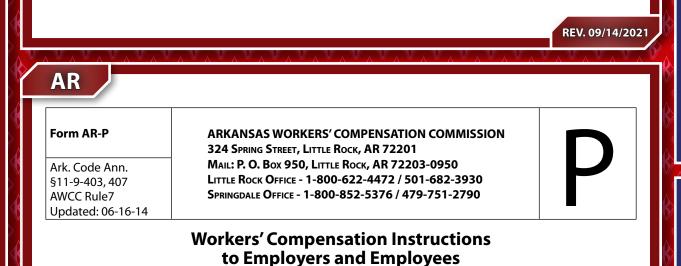
No employer in the State of Arkansas shall discriminate in the payment of wages as between the sexes or shall pay any female in his employ, salary or wage rate less than the rates paid to male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates 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 ach violation. For the purpose of this subsection, each such violation shall constitute a separate offens 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.

, 5	hts and responsibilities, and quested leave, if any, will be FM	LA-protected leave.			nt or employee, barring undue Section 503 also requires that
Where can I find more				interferes with someone exercising their rights, or Federal contractors take af	
	t <b>dol.gov/fmla</b> to learn more.			Someone assisting of cheodraging someone cise to and assisted in any official	
If you believe your rights une against your employer in cou	der the FMLA have been violate urt. <b>Scan the QR code to learn</b>	d, you may file a complaint with about our WHD complaint pro	WHD or file a private lawsuit <b>press</b> .		
		SCAN ME		FED	
DEPAR	TMENT OF LABOR			YOUR RIGHTS	UNDER USERRA
UNITED S	STATES OF AMERICA			THE UNIFORMED SERVICES EMPLOY	MENT AND REEMI
	ND HOUR DIVISION			USERRA protects the job rights of individuals who voluntarily or involunta	
UNITED STATES	S DEPARTMENT OF LABOR	WH1420		service in the National Disaster Medical System. USERRA also prohibits em	ployers from discriminating to the uniformed service
				REEMPLOYMENT RIGHTS	HEALTH INSURANCE
			REV. 04/2023	You have the right to be reemployed in your civilian job if you leave that job to	If you leave your je
				perform service in the uniformed service and:	continue your exis ur dependents for up
AR	Division of M	laulifance Comices		<ul> <li>you ensure that your employer receives advance written or verbal notice of you service;</li> </ul>	<ul> <li>Even if you don't e</li> </ul>
		Vorkforce Services O EMPLOYEES		• you have five years or less of cumulative service in the uniformed services whil with that particular employer;	reemployed, gene
	HOW TO CLAIM UNE	MPLOYMENT INSURA	NCE	you return to work or apply for reemployment in a timely manner after     conclusion of service; and	existing condition ENFORCEMENT
Employees of				<ul> <li>you have not been separated from service with a disqualifying discharge or under other than honorable conditions.</li> </ul>	The U.S. Departme (VETS) is authorized
	n of Workforce Services Law.			If you are eligible to be reemployed, you must be restored to the job and benefits you	
The Law provides Unemplo only part time.	oyment Benefits for unemploy	ed workers and under certain	conditions for those working	would have attained if you had not been absent due to military service or, in some cases, a comparable job.	USERRA, contact \ <u>https://www.dol.g</u> be viewed at http:
			sas Unemployment Trust Fund	RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you:	<ul> <li>If you file a compl</li> </ul>
	id. NO DEDUCTIONS CAN BE prect Social Security Number.	MADE FROM YOUR WAGES	FOR THIS PURPOSE. Be sure	are a past or present member of the      are obligated to serve in the	request that your
	ow you are going to be out of	work for a calendar week or m	ore,	uniformed service; uniformed service;	<ul> <li>Special Counsel, a</li> <li>You may also bypa</li> </ul>
YOU SHOULD PROM				have applied for membership in the uniformed service; or	employer for viola
	fits through the Division of Wo			then an employer may not deny you:	The rights listed here ma
	ocate work for you both before			initial employment;     promotion; or	notice was prepared by https://www.dol.gov/ag
-	o a regular employer, working nemployment Insurance Bene		y to lack of work, you may be	reemployment;     any benefit of employment	employers to notify emp
5 1			ages, employer) . <b>Do not delay</b>	retention in employment;     because of this status.	meet this requirement b place notices for employ
doing this.	<u></u>	,		In addition, an employer may not retaliate against anyone assisting in the	place notices for employ
	er questions and supply furthe			enforcement of USERRA rights, including testifying or making a statement in	
Full time Local Offices are s	situated in the following cities	to provide services to Unemp	loyment Insurance Claimants:	connection with a proceeding under USERRA, even if that person has no service connection.	
Arkadelphia	Forrest City	Magnolia	Rogers	U.S. Department of Labor • 1-866-487-2365	.S. Department of Justice
Batesville	Fort Smith	Malvern	Russellville	Employer Support of the Gu	ard and Reserve • 1-800-336
Benton	Harrison	Mena	Searcy		
Blytheville	Helena	Monticello	Texarkana		
Camden	Норе	Mountain Home	West Memphis	FED	<b>(EE RIGHTS</b>
Conway	Hot Springs	Newport		EMPLOYEE POLYGR	APH PROTECTIO
El Dorado	Jonesboro	Paragould		The Employee Polygraph Protection Act prohibits most private employers from using lie	The Act also permits polygr
Fayetteville	Little Rock	Pine Bluff		detector tests either for pre-employment screening or during the course of employment.	private firms who are reaso embezzlement, etc.) that re
				<b>PROHIBITIONS</b> Employers are generally prohibited from requiring or requesting any employee or job applicant	The law does not preempt a
	ts to obtain benefits, concealn creasing Unemployment Insu			to take a lie detector test, and from discharging, disciplining, or discriminating against an	agreement which is more re
prosecution.	creasing onemployment insu	ance rayments, are violations		employee or prospective employee for refusing to take a test or for exercising other rights unde the Act.	EXAMINEE RIGHTS Where polygraph tests are polygraph tests
*** Servicios de Interpretación/	Traducción disponibles por medio de su a	ficina local Ewôr Jerbal in ukok ikiilen	jeje im kennaan ilo opij ko ijo kwoj pād ie.	EXEMPTIONS	the conduct and length of t
	Dịch có sẵn qua văn phòng địa phương c		່ານໃຫ້ບໍຣິການນາຍພາສາແລະການແປເອກະສານ	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	right to a written notice be to have test results disclose

DWS-ARK-237 (Rev. 1-07) v09142021



s with someone exercising their rights, or e assisting or encouraging someone else to	and advance in employment qualified individuals with	agency providing such assistance.	REV. 06/27
		K K K K K K K K	K>

### **UNDER USERRA** MENT AND REEMPLOYMENT RIGHTS ACT

rily leave employment positions to undertake military service or certain types of ployers from discriminating against past and present members of the uniformed ts to the uniformed services.

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you
- have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

#### **ENFORCEMENT**

**HEALTH INSURANCE PROTECTION** 

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at
- https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

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,

The law does not preempt any provision of any State or local law or any collective bargaining

Where polygraph tests are permitted, they are subject to numerous strict standards concerning

right to a written notice before testing, the right to refuse or discontinue a test, and the right not

the conduct and length of the test. Examinees have a number of specific rights, including the

embezzlement, etc.) that resulted in economic loss to the employer.

agreement which is more restrictive with respect to lie detector tests.

REV. 05/2022

REV. 02/2022

I.S. Department of Justice Office of Special Counsel ard and Reserve • 1-800-336-4590

## **(EE RIGHTS** RAPH PROTECTION ACT

to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers

WHD

ENFORCEMENT The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, The Secretary of Labor may bring court actions to restrain violations and assess civil penalties subject to restrictions, to certain prospective employees of security service firms (armored car. against violators. Employees or job applicants may also bring their own court actions

to have test results disclosed to unauthorized persons

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

WAGE AND HOUR DIVISION



## **Job Safety and Health** IT'S THE LAW!

#### 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.

<sup>t</sup>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. **ARKANSAS DEPARTMENT OF LABOR AND LICENSING DIVISION OF LABOR** 

900 WEST CAPITOL SUITE 400 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.

All employees of this establishment entitled to benefits under the provisions of the Arkansas workers' compensation laws are hereby notified that their employer has secured the payment of such compensation as may at any time be due employees or their dependents. This employer is required by state law to provide workers' compensation coverage or this employer has waived the exclusion or exemption from the operation of the workers' compensation laws, and the employer certifies by the display of this poster that workers' compensation coverage is now provided by a workers' compensation insurance policy or by enrollment in the Arkansas Self-Insurance Program or by the Public Employee Claims Division of the Arkansas Insurance Department.

> (Place label indicating Insurer's Name, Claims Office Address, Claims Office Phone Number and Policy Expiration Date)

#### IN CASE OF JOB-RELATED INJURIES OR OCCUPATIONAL DISEASES The Employer Shall:

Provide all necessary medical, surgical and hospital treatment, as required by law, following the injury and for such additional time as ordered by the Workers' Compensation Commission.

- Provide compensation payments in accordance with the provisions of the law. The first installment of compensation becomes due on the 15<sup>th</sup> day after the employer has notice of the injury or death, except in those cases where liability has been denied by the employer.
- Provide prompt reporting of accidents to appropriate parties.
- Keep a record of all injuries received by its employees.

#### The Employee Shall:

The employee shall report the injury to the employer on Form N and to a person or at a place specified by the employer, unless the injury either renders the employee physically or mentally unable to do so, or the injury is made known to the employer immediately after it occurs. The employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's notice of injury. All reporting procedures specified by the employer must be reasonable and shall afford each employee reasonable notice of the reporting requirements. The foregoing shall not apply when an employee requires emergency medical treatment outside the employer's normal business hours; however, in that event, the employee shall cause a report of the injury to be made to the employer on the employer's next regular business day.

Failure to give such notice shall not bar any claim (1) if the employer had knowledge of the injury or death, (2) if the employee had no knowledge that the condition or disease arose out of and in the course of employment, or (3) if the Commission excuses such failure on the grounds that for some satisfactory reason such notice could not be given. Objection to failure to give notice must be made at or before the first hearing on the claim.

#### Statutory Information:

Ark. Code Ann. § 11-9-514(b) states: "Treatment or services furnished or prescribed by any physician other than the ones selected according to the foregoing, except emergency treatment, shall be at the claimant's expense." Ark. Code Ann. § 11-9-514(f), however, indicates: When compensability is controverted, subsection (b) shall not apply if:

- The employee requests medical assistance in writing prior to seeking the same as a result of an alleged compensable injury; and
- The employer refuses to refer the employee to a medical provider within forty-eight (48) hours after such written request as provided above; and
- The alleged injury is later found to be a compensable injury; and
- The employer has not made a previous offer of medical treatment.

If you have any questions regarding your rights under the Arkansas workers' compensation laws, you may call an Arkansas Workers' Compensation Commission legal advisor at our toll-free number listed above.

All employers who come within the operation of the Arkansas workers' compensation laws and have complied with its provisions must post this notice in a **CONSPICUOUS** place in or about their place or places of business.

### AWCC Form P (Posting Notice)

A posting notice is mentioned in Ark. Code Ann. §11-9-403, Ark. Code Ann. §11-9-407 and AWCC Rule 7. AWCC Form P satisfies all requirements.

- Form P:
- Is to be on display in a conspicuous place;
- Tells employers what to do when an employee is injured;
- Instructs employees to notify the employer immediately (or no later than the close of the next business day) when injured;
- Lists the claims office that will be handling the insurance aspects of the case;
- Gives the claims office telephone number;
- Announces the expiration date of the insurance policy; and
- Provides telephone numbers for Arkansas Workers' Compensation Commission legal advisors if either party needs assistance.

Employers without **Form P** may lose the use of **Form N** as a defense in litigation. Employees disobeying instructions on **Form P** may delay their benefits or jeopardize the awarding of any benefits in a contested case.

The AWCC furnishes samples, not supplies, of Form P. Carriers are to send their insureds an adequate number, and self-insureds must arrange with a printer for the supply they need. Carriers and employers may enlarge Form **P** for posting purposes.

Information about Form P is available from the Support Services Division (1-800-622-4472 or 501-682-3930).

Ark. Code Ann. §11-9-106(a): "Any person or entity who willfully and knowingly makes any material false statement or representation, who willfully and knowingly omits or conceals any material information, or who willfully and knowingly employs any device, scheme, or artifice for the purpose of: obtaining any benefit or



## All workers have the right to:

A safe workplace.

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

## Contact OSHA. We can help.

## **Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

