

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1751

4
5 By: Representative Lundstrum
6 By: Senator M. Pitsch

For An Act To Be Entitled

9 AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF
10 ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

14 TO AMEND THE MINIMUM WAGE ACT OF THE
15 STATE OF ARKANSAS.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code § 11-4-204 is repealed.

21 ~~11-4-204. Law most favorable to employees applicable—Liberal~~
22 ~~construction.~~

23 ~~(a) Any standards relating to minimum wages, maximum hours, or other~~
24 ~~working conditions in effect under any other law of this state on May 22,~~
25 ~~1968, which are more favorable to employees than those applicable to~~
26 ~~employees under this subchapter or the regulations issued in this chapter~~
27 ~~shall not be deemed to be amended, rescinded, or otherwise affected by this~~
28 ~~subchapter but shall continue in full force and effect and may be enforced as~~
29 ~~provided by law unless and until they are specifically superseded by~~
30 ~~standards more favorable to employees by operation of or in accordance with~~
31 ~~regulations issued under this subchapter.~~

32 ~~(b) This subchapter shall be liberally construed in favor of its~~
33 ~~purposes and shall not limit any law or policy that requires payment of~~
34 ~~higher or supplemental wages or benefits.~~

36 SECTION 2. Arkansas Code § 11-4-213 is amended to read as follows:



1 11-4-213. Allowance for furnishing board, lodging, apparel, etc.

2 (a) ~~Every~~ An employer of an employee engaged in ~~any~~ an occupation in
3 which board, lodging, apparel, or other items and services are customarily
4 and regularly furnished to the employee for his or her benefit ~~shall be~~ is
5 entitled to an allowance for the reasonable value of board, lodging, apparel,
6 or other items and services as part of the hourly wage rate provided in § 11-
7 4-210 in an amount not to exceed ~~thirty cents (30¢) per hour~~ the fair and
8 reasonable cost of the board, lodging, apparel, or other items and services.

9 (b) ~~In determining whether an employee received board, lodging,~~
10 ~~apparel, or other items and services having a reasonable value of less than~~
11 ~~thirty cents (30¢) per hour during any work week, the Director of the~~
12 ~~Department of Labor may require the employee to show to the satisfaction of~~
13 ~~the director that the reasonable value of items and services received by the~~
14 ~~employee was less than the amount determined by the employer as the amount by~~
15 ~~which the wage paid the employee was deemed to be increased under this~~
16 ~~section.~~ The determination of reasonable cost of the board, lodging, apparel,
17 or other items and services shall be based on 29 U.S.C. § 203(m), as it
18 existed on January 1, 2019, and 29 C.F.R. § 531.

19
20 SECTION 3. Arkansas Code § 11-4-218(a)(2), concerning an employee's
21 remedies when an employer violates the wage and hour provisions, is amended
22 to read as follows:

23 (2) The employee may be awarded an additional amount up to, but
24 not greater than, the amount under subdivision (a)(1)(B)(i) of this section
25 to be paid as liquidated damages if the employee proves the violation was
26 willful.

27
28 SECTION 4. Arkansas Code § 11-4-218(e), concerning an employee's cause
29 of action, is amended to add an additional subdivision to read as follows:

30 (4) An employee shall not become a party plaintiff to an action
31 under subdivision (e)(1) of this section unless he or she gives consent in
32 writing to become a party to the action and files the consent in the court in
33 which the action is brought.

34
35 SECTION 5. Arkansas Code § 11-4-218, concerning an employee's
36 remedies, is amended to add an additional subsection to read as follows:

1 (g) The statute of limitations for causes of action under this
 2 subchapter is two (2) years.

3
 4 SECTION 6. Arkansas Code § 11-4-403, concerning payment by evidence of
 5 indebtedness, is amended to add an additional subsection to read as follows:

6 (f)(1) It is lawful for an employer to pay its employees by automatic
 7 deposit or by providing a debit card preloaded with the amount of wages.

8 (2) If wages are paid by providing a preloaded debit card under
 9 subdivision (f)(1) of this section, at least one (1) free withdrawal shall
 10 available for the funds for each deposit of wages loaded onto the debit card.

11
 12 SECTION 7. Arkansas Code § 11-4-405 is amended to read as follows:

13 11-4-405. Payment on discharge.

14 ~~(a)(1) Whenever any railroad company or corporation or any receiver~~
 15 ~~operating any railroad engaged in the business of operating or constructing~~
 16 ~~any railroad or railroad bridge shall discharge, with or without cause, or~~
 17 ~~refuse to further employ any servant or employee thereof, the unpaid wages of~~
 18 ~~the servant or employee then earned at the contract rate, without abatement~~
 19 ~~or deduction, shall be and become due and payable on the day of the discharge~~
 20 ~~or refusal to longer employ.~~

21 ~~(2) Any servant or employee may request of his or her foreman or~~
 22 ~~the keeper of his or her time to have the money due him or her, or a valid~~
 23 ~~check therefor, sent to any station where a regular agent is kept. If the~~
 24 ~~money or a valid check therefor does not reach the station within seven (7)~~
 25 ~~days from the date it is so requested, then, as a penalty for the nonpayment,~~
 26 ~~the wages of the servant or employee shall continue from the date of the~~
 27 ~~discharge or refusal to further employ at the same rate until paid. However,~~
 28 ~~the wages shall not continue more than sixty (60) days unless an action~~
 29 ~~therefor shall be commenced within that time.~~

30 ~~(b) This section shall apply to all companies and corporations doing~~
 31 ~~business in this state and to all servants and employees thereof. Any~~
 32 ~~servants or employees who shall hereafter be discharged or refused further~~
 33 ~~employment may request or demand the payment of any wages due and, if not~~
 34 ~~paid within seven (7) days from discharge or refusal to longer employ, then~~
 35 ~~the penalties provided in subdivision (a)(2) of this section for railway~~
 36 ~~employees shall attach.~~

1 ~~(c) Any servant or employee whose employment is for a definite period~~
2 ~~of time and who is discharged without cause before the expiration of that~~
3 ~~time may, in addition to the penalties prescribed by this section, have an~~
4 ~~action against any employer for any damages he or she may have sustained by~~
5 ~~reason of the wrongful discharge, and the action may be joined with an action~~
6 ~~for unpaid wages and penalty.~~

7 ~~(d) No servant or employee who secretes or absents himself to avoid~~
8 ~~payment to him or her, or refuses to receive payment when fully tendered,~~
9 ~~shall be entitled to any benefit under this section for the time as he or she~~
10 ~~so avoids payment. An employer that discharges an employee is required to pay~~
11 ~~all wages due by the next regular payday.~~

12 ~~(b) An employer that fails to make the payment required under~~
13 ~~subsection (a) of this section within seven (7) days of the next regular~~
14 ~~payday shall owe the employee double the wages due.~~

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17 **APPROVED: 4/10/19**
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