

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1687

5 By: Representative M. Gray
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE DEPARTMENT OF WORKFORCE SERVICES
10 LAW; TO AMEND AN EXCLUSION FROM THE DEFINITION OF
11 "EMPLOYMENT" WITHIN THE DEPARTMENT OF WORKFORCE
12 SERVICES LAW; AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT TO AMEND THE DEPARTMENT OF
16 WORKFORCE SERVICES LAW; AND TO AMEND AN
17 EXCLUSION FROM THE DEFINITION OF
18 "EMPLOYMENT" WITHIN THE DEPARTMENT OF
19 WORKFORCE SERVICES LAW.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 11-10-210(f)(21), concerning exclusions
26 from the definition of "employment" in the Department of Workforce Services
27 Law, is repealed.

28 ~~(21)(A) Services performed as personal care services for a~~
29 ~~certified home and community based health services provider licensed under §~~
30 ~~20-10-2301 et seq., unless the provider is a state or local government entity~~
31 ~~or federally recognized Indian tribe as described in 26 U.S.C § 3306(c)(7) or~~
32 ~~a nonprofit organization as described in 26 U.S.C § 3309(a)(1).~~

33 ~~(B) Subdivision (f)(21)(A) of this section is retroactive~~
34 ~~to January 1, 2010; or~~
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36 SECTION 2. DO NOT CODIFY. Legislative intent.



The General Assembly intends that, on and after the effective date of this act, personal care services performed by an individual for a home- and community-based service provider are no longer excluded from the definition of employment and that an individual performing personal care services for a home- and community-based service provider is an employee of the home- and community-based provider and not an independent contractor.

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