

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1729

5 By: Representatives Williams, Vines
6

For An Act To Be Entitled

8 AN ACT TO REPEAL OBSOLETE LAWS CONCERNING LABOR AND
9 EMPLOYMENT IN TITLE 11 OF THE ARKANSAS CODE OF 1987;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO REPEAL OBSOLETE LAWS CONCERNING
14 LABOR AND EMPLOYMENT IN TITLE 11 OF THE
15 ARKANSAS CODE OF 1987.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 11-2-111(b), concerning an obsolete
22 requirement for the Secretary of State to provide office space to the
23 Department of Labor, is amended to read as follows:

24 (b) The Department of Labor shall keep an office in the City of Little
25 Rock and shall maintain such other office as shall meet the convenience of
26 the department and the public. ~~The department shall be provided by the~~
27 ~~Secretary of State with suitable rooms, necessary furniture, stationery,~~
28 ~~books, periodicals, and other supplies.~~
29

30 SECTION 2. Arkansas Code § 11-4-101, concerning wage assignments made
31 only by married men, is amended to read as follows:

32 11-4-101. Assignment of wages.

33 ~~(a)~~ No assignment or order for wages to be earned in the future to
34 secure a loan of less than two hundred dollars (\$200) shall be valid against
35 any employer of the person making the assignment or order until the
36 assignment or order is accepted in writing by the employer and the assignment



1 or order and the acceptance of it has been filed with the recorder of the
 2 county where the party making the assignment or order resides if a resident
 3 of this state or in the state where he or she is employed.

4 ~~(b) No assignment of or order for wages to be earned in the future~~
 5 ~~shall be valid when made by a married man, unless the written consent of his~~
 6 ~~wife to making such assignment or order for wages shall be attached thereto.~~

8 SECTION 3. Arkansas Code Title 11, Chapter 13, Subchapter 1,
 9 concerning an obsolete employment program that was never created or funded,
 10 is repealed.

11 ~~11-13-101. Title.~~

12 ~~This chapter shall be known and may be cited as the "Arkansas~~
 13 ~~Conservation Corps Act".~~

14 ~~11-13-102. Definitions.~~

15 ~~As used in this chapter, unless the context clearly indicates~~
 16 ~~otherwise:~~

17 ~~(1) "Community-based agency" means a private, nonprofit~~
 18 ~~organization that is representative of a community, or a significant segment~~
 19 ~~of a community, that is engaged in meeting human, educational, or~~
 20 ~~environmental community needs;~~

21 ~~(2) "Corps" means the Arkansas Conservation Corps;~~

22 ~~(3) "Corpsmember" means a participant in the corps pursuant to~~
 23 ~~criteria set forth in this subchapter;~~

24 ~~(4) "Grewleader" means a participant in the corps who is~~
 25 ~~employed to supervise corpsmembers pursuant to criteria set forth in this~~
 26 ~~chapter;~~

27 ~~(5) "Department" means the Department of Labor;~~

28 ~~(6) "Director" means the Director of the Department of Labor;~~

29 ~~(7) "Human service projects" means projects that involve~~
 30 ~~conservation work and the direct delivery of services that promote the well-~~
 31 ~~being of children, the elderly, persons with physical and developmental~~
 32 ~~disabilities, or persons with low incomes;~~

33 ~~(8) "Local agency" means any city, county, or school district~~
 34 ~~located within this state;~~

35 ~~(9) "Signature projects" means special event, large scale, short~~
 36

1 ~~term, highly visible projects that combine the efforts of more than one (1)~~
 2 ~~crew and promote the public good in ways consistent with this chapter;~~

3 ~~(10) "State agencies" means the Arkansas Economic Development~~
 4 ~~Council, the Department of Arkansas Heritage, the Department of Correction,~~
 5 ~~the Department of Education, the Department of Higher Education, the~~
 6 ~~Department of Human Services, the Department of Labor, the Department of~~
 7 ~~Parks and Tourism, the Arkansas Department of Environmental Quality, the~~
 8 ~~Department of Workforce Services, the Arkansas State Game and Fish~~
 9 ~~Commission, the State Military Department, and the Arkansas Department of~~
 10 ~~Emergency Management; and~~

11 ~~(11) "Work experience projects" means projects established~~
 12 ~~pursuant to the authority granted in this chapter that provide corpsmembers~~
 13 ~~with educational opportunities and job training skills, which may include~~
 14 ~~general educational development, literacy training, adult basic education,~~
 15 ~~job search skills, and job application skills, and with work experience~~
 16 ~~related to the conservation, improvement, or development of natural resources~~
 17 ~~or the enhancement, preservation, and maintenance of public lands, waters, or~~
 18 ~~facilities.~~

19
 20 ~~11-13-103. Creation — Rules and regulations.~~

21 ~~(a) There is hereby created within the Department of Labor the~~
 22 ~~Arkansas Conservation Corps.~~

23 ~~(b) The department shall have the power and authority to promulgate~~
 24 ~~such rules and regulations as are necessary to facilitate the implementation~~
 25 ~~and administration of this chapter.~~

26
 27 ~~11-13-104. Duties of director.~~

28 ~~The Director of the Department of Labor shall:~~

- 29 ~~(1) Enroll eligible participants in work experience projects;~~
- 30 ~~(2) Employ crewleaders;~~
- 31 ~~(3) Appoint an administrative officer of the corps who shall~~
 32 ~~employ staff necessary to implement the provisions of this chapter;~~
- 33 ~~(4) Develop program guidelines or regulations as he or she deems~~
 34 ~~necessary to fairly and effectively administer this chapter;~~
- 35 ~~(5) Develop or review proposed work experience projects~~
 36 ~~submitted to the Department of Labor by state and local agencies, and approve~~

1 ~~projects that meet the requirements of this chapter;~~

2 ~~(6) Ensure that work experience projects involve labor-intensive~~
 3 ~~improvement activities on public lands or facilities that will result in a~~
 4 ~~future public value or have a potential for future revenue yield;~~

5 ~~(7) Authorize utilization of the corps for approved work~~
 6 ~~experience projects in urban, suburban, and rural areas as necessary to carry~~
 7 ~~out the provisions of this chapter;~~

8 ~~(8) Authorize utilization of the corps for emergency projects~~
 9 ~~within or outside this state that shall include, but not be limited to,~~
 10 ~~natural disasters, fire prevention and suppression, and rescue of lost or~~
 11 ~~injured persons;~~

12 ~~(9) Authorize the exchange of corpsmembers and crewleaders with~~
 13 ~~other established conservation corps or service programs in order to foster a~~
 14 ~~spirit of understanding and to advance the goals of volunteerism and service;~~

15 ~~(10) Execute contracts with state, local, and community-based~~
 16 ~~agencies containing any terms and conditions deemed necessary and desirable~~
 17 ~~for the enrollment of corpsmembers in approved work experience projects, and,~~
 18 ~~in the case of job search skills, job application skills, and ability~~
 19 ~~assessments, execute contracts or cooperative agreements with federal, state,~~
 20 ~~or local agencies, persons, firms, partnerships, associations, or~~
 21 ~~corporations for the provisions of these services;~~

22 ~~(11) Execute contracts for enrollment of corpsmembers in cities~~
 23 ~~of the first class for projects designed to repel or remove graffiti or other~~
 24 ~~vandalism. The director may contract directly with community-based agencies~~
 25 ~~that shall be eligible for funding provided pursuant to this chapter;~~

26 ~~(12) Purchase, rent, or otherwise acquire or obtain personal~~
 27 ~~property, supplies, instruments, tools, equipment, or conveniences necessary~~
 28 ~~to complete work experience projects or provide corpsmember training; and~~

29 ~~(13)(A) Apply for and accept grants or contributions of funds~~
 30 ~~from any public or private source, including the acceptance of federal funds~~
 31 ~~appropriated by the General Assembly.~~

32 ~~(B) Such funds shall include federal funds that may be~~
 33 ~~provided under the National and Community Service Act of 1990.~~

34
 35 ~~11-13-105. Human service projects.~~

36 ~~(a)(1) The Director of the Department of Labor may develop state and~~

1 local human service projects that combine both conservation work and human
2 services, especially those projects and activities that promote the social
3 well-being or economic self-sufficiency of the elderly, persons with physical
4 or developmental disabilities, children, or other persons with low incomes.

5 (2) The director shall give preference to those human service
6 projects that involve intergenerational activities between corpsmembers and
7 older persons in projects that are in other ways consistent with this
8 chapter.

9 (b) The director may develop and carry out signature projects
10 involving more than one (1) crew and designed to have a high impact. These
11 projects shall be short term and may involve working with local or community-
12 based agencies.

13 (c)(1)(A) Projects developed may include fee-for-service projects with
14 other state and local agencies and community-based agencies.

15 (B) Fees received from fee-for-service projects shall be
16 deposited into the State Treasury as special revenues credited to the
17 Department of Labor Fund Account, there to be used solely for the purpose of
18 implementing this chapter.

19 (2) Fee-for-service projects may not be entered into with for-
20 profit agencies, nor may any fee-for-service project displace any other
21 workers.

22
23 11-13-106. Work experience projects.

24 (a) Work experience projects shall be undertaken in urban, suburban,
25 and rural areas and shall be selected on the basis of the environmental and
26 natural resource benefits each offers, the opportunities for public use each
27 offers, the educational opportunities and on the job training value of each,
28 the future public value of the completed project, the estimated additional
29 revenue to be generated for the state or its subdivisions from the completion
30 of each project, and the savings in other public expenditures that are
31 provided by virtue of the project.

32 (b)(1) All work experience projects developed or approved and funded
33 by the Department of Labor shall be limited to public lands and facilities
34 except where a property involving other lands will provide documented public
35 value or benefit.

36 (2) The reimbursement will be retained by the department for use

1 ~~in the corps program.~~

2 ~~(3) In the case of emergencies and natural disasters, projects~~
 3 ~~may take place on land or at facilities not owned by the department, other~~
 4 ~~state agencies, or local agencies without regard to public benefit and~~
 5 ~~private reimbursement.~~

6 ~~(c)(1)(A) Whenever available and appropriate, adult education, job~~
 7 ~~training, and placement services provided through other federal, state, and~~
 8 ~~local funded programs such as the Job Training Partnership Act [repealed]~~
 9 ~~program, the Community Services Block Grant program, and the Department of~~
 10 ~~Workforce Services shall be coordinated with projects developed under this~~
 11 ~~chapter to assist eligible participants.~~

12 ~~(B) Coordinated services may include, but are not limited~~
 13 ~~to, job placement assistance, adult literacy training, job search skills, job~~
 14 ~~application skills, and ability assessments.~~

15 ~~(C) Whenever possible, eligible participants without a~~
 16 ~~high school diploma shall receive coordinated services that provide an~~
 17 ~~opportunity to obtain a high school equivalency diploma.~~

18 ~~(2) Job training may be provided directly by the agency~~
 19 ~~administering the work experience project or by other agencies as provided in~~
 20 ~~this chapter.~~

21 ~~(d)(1) Work sites of work experience projects shall conform to state~~
 22 ~~and federal health and safety standards.~~

23 ~~(2) Work experience shall not include the removal or cleaning up~~
 24 ~~of any toxic waste or other hazardous substance.~~

25 ~~(e)(1) Corpsmember participation in emergency projects and exchange~~
 26 ~~projects shall be voluntary.~~

27 ~~(2) Corpsmembers shall receive adequate training prior to~~
 28 ~~participating in an emergency project.~~

29
 30 ~~11-13-107. Participation.~~

31 ~~(a) Persons participating in the Arkansas Conservation Corps program~~
 32 ~~shall be persons who:~~

33 ~~(1) Are between the ages of sixteen (16) and twenty-five (25);~~

34 ~~(2) Have been residents of the state for at least six (6) months~~
 35 ~~prior to participating in the program;~~

36 ~~(3) Are registered with the local office of the Department of~~

1 ~~Workforce Services for employment;~~

2 ~~(4) Are physically and mentally capable of performing labor-~~
3 ~~intensive work; and~~

4 ~~(5) Are able to provide assurance that they did not leave school~~
5 ~~for the purpose of participating in the program.~~

6 ~~(b) Preference in hiring and enrolling corpsmembers in the corps shall~~
7 ~~be given to economically disadvantaged persons, especially those eligible~~
8 ~~applicants who receive public assistance grants, general relief, Aid To~~
9 ~~Families With Dependent Children, or other public assistance benefits.~~

10 ~~(c)(1)(A) Eligibility for corpsmembers shall be determined by the~~
11 ~~Department of Workforce Services, which shall refer eligible participants to~~
12 ~~the Department of Labor by order of classification.~~

13 ~~(B) For referral purposes, the Department of Workforce~~
14 ~~Services shall develop standards for classifying applicants into various~~
15 ~~levels of eligibility based on the degree to which an applicant is~~
16 ~~economically disadvantaged.~~

17 ~~(2) The Department of Workforce Services shall seek referrals~~
18 ~~from schools, local agencies, community-based agencies, and other youth and~~
19 ~~human service organizations for purposes of enrolling applicants in corps~~
20 ~~programs.~~

21 ~~(3) If the number of corps jobs is insufficient to employ all~~
22 ~~eligible individuals who apply for participation in the program, the~~
23 ~~Department of Workforce Services may provide the names of those eligible~~
24 ~~individuals to private-sector employers or to job training programs~~
25 ~~requesting referrals, so long as the individuals referred agree to the~~
26 ~~referral's being provided.~~

27
28 ~~11-13-108. Service — Compensation.~~

29 ~~(a)(1) Corpsmembers of the Arkansas Conservation Corps shall be~~
30 ~~enrolled for a period of six (6) months.~~

31 ~~(2) At the option of the Department of Labor, corpsmembers who~~
32 ~~have successfully completed their six-month term may be enrolled for a second~~
33 ~~six-month term.~~

34 ~~(b)(1)(A) Corpsmembers shall be scheduled to work the standard work~~
35 ~~hours of the Department of Labor or of the state or local agency sponsoring~~
36 ~~the work experience project.~~

1 ~~(B) In no instance shall corpsmembers be scheduled to work~~
2 ~~more than forty (40) hours per week.~~

3 ~~(2) Corpsmembers shall be excused as necessary, as determined by~~
4 ~~the department, from scheduled work hours to participate in adult education,~~
5 ~~job training, corpsmember development, and placement services that the~~
6 ~~Department of Labor determines to be appropriate and in accordance with the~~
7 ~~provisions of this chapter.~~

8 ~~(3) Corpsmembers shall be compensated as set forth in~~
9 ~~subdivision (c)(1) of this section for participating in job training and~~
10 ~~placement services that the Department of Labor determines are in accordance~~
11 ~~with the provisions of this chapter.~~

12 ~~(c)(1) Corpsmembers shall receive an hourly wage no less than the~~
13 ~~state minimum wage as provided for by the Minimum Wage Act of the State of~~
14 ~~Arkansas, § 11-4-201 et seq.~~

15 ~~(2) Corpsmembers serving a second six-month term shall receive~~
16 ~~additional hourly compensation of at least ten percent (10%).~~

17 ~~(3) Corpsmembers who complete six (6) months in the corps are~~
18 ~~entitled to a five-hundred-dollar (\$500) bonus.~~

19 ~~(4) Corpsmembers who complete twelve (12) months in the program~~
20 ~~are entitled to an additional five-hundred-dollar (\$500) bonus at the end of~~
21 ~~their second six (6) months in the program.~~

22 ~~(d) Corpsmembers shall not be entitled to any employee benefits~~
23 ~~provided to existing employees of the Department of Labor or other agencies~~
24 ~~except for paid state holidays and workers' compensation coverage which shall~~
25 ~~be provided through the funds appropriated to carry out this chapter, nor~~
26 ~~shall service as a corpsmember qualify an individual for benefits under the~~
27 ~~Department of Workforce Services Law, § 11-10-101 et seq.~~

28 ~~(e)(1) The Department of Labor shall refer the names of corpsmembers~~
29 ~~who successfully complete their service in the corps to the Department of~~
30 ~~Workforce Services for assistance in securing private-sector employment or~~
31 ~~for enrollment in additional job training programs.~~

32 ~~(2) The Department of Labor may also provide the names of~~
33 ~~participants who successfully complete their service in the corps to private-~~
34 ~~sector employers requesting referrals, with the approval of the participant.~~

35
36 ~~11-13-109. Crewleaders.~~

1 ~~(a) Funds available for the Arkansas Conservation Corps may be~~
2 ~~expended to pay the wages of crewleaders who shall supervise corpsmembers as~~
3 ~~prescribed by the Department of Labor.~~

4 ~~(b) Persons eligible to be hired as crewleaders by the Department of~~
5 ~~Labor shall be men or women who:~~

6 ~~(1) Have been residents of the state for at least six (6) months~~
7 ~~prior to employment in the program;~~

8 ~~(2) Are registered with the local office of the Department of~~
9 ~~Workforce Services for employment;~~

10 ~~(3) Are physically and mentally capable of performing labor-~~
11 ~~intensive work and supervisory duties; and~~

12 ~~(4) Are not attending a postsecondary institution full time, and~~
13 ~~who provide assurance that they did not leave school for the purpose of~~
14 ~~employment as a supervisor in the program.~~

15 ~~(c) In the hiring of crewleaders, preference shall be given to~~
16 ~~honorably discharged veterans of the United States armed forces.~~

17 ~~(d) Crewleaders may be employed by the Department of Labor for a~~
18 ~~period that may exceed the six-month limit established for corpsmembers.~~

19 ~~(e) Crewleaders shall receive an hourly wage that exceeds the minimum~~
20 ~~hourly wage of corpsmembers by a minimum of five dollars (\$5.00).~~

21 ~~(f) Crewleaders shall not be entitled to any employee benefits~~
22 ~~provided to existing employees of the Department of Labor or of other state~~
23 ~~or local agencies except for paid state holidays and workers' compensation~~
24 ~~coverage which shall be provided through the funds appropriated to carry out~~
25 ~~this chapter.~~

26
27 ~~11-13-110. Employment practices.~~

28 ~~(a) The Director of the Department of Labor, in developing and~~
29 ~~approving projects, shall assure that:~~

30 ~~(1) In employment practices, no individual will be discriminated~~
31 ~~against because of the individual's race, color, religious creed, ancestry,~~
32 ~~sex, national origin, or non job-related handicap or disability;~~

33 ~~(2) No person shall make any payment to any other person as~~
34 ~~compensation for referring an individual as a potential corpsmember; and~~

35 ~~(3) Work available to participants will not be available due to~~
36 ~~a labor dispute, strike, or lockout and shall not be assigned so as to cause~~

1 a layoff or downgrading or to prevent the return to work of an available
2 competent employee.

3 (b)(1) ~~It shall be unlawful for anyone to demand from any public~~
4 ~~officer, corpsmember, or crewleader any assessment of percentage of any money~~
5 ~~or profit, or its equivalent in support, service, or any other thing of~~
6 ~~value, with the understanding, express or implied, that the same may be used~~
7 ~~or shall be used for political purposes.~~

8 (2) ~~Nothing contained in this chapter shall be construed to~~
9 ~~prohibit voluntary contributions to any political committee or organization~~
10 ~~for legitimate political and campaign purposes to the extent that the~~
11 ~~contributions are not prohibited by law.~~

12
13 ~~11-13-111. Applicability to federal law.~~

14 ~~In order to permit joint projects with the summer youth employment and~~
15 ~~training program established pursuant to Title II-B of the Job Training~~
16 ~~Partnership Act, [repealed] the provisions of this chapter not consistent~~
17 ~~with the Job Training Partnership Act [repealed] are hereby waived for such~~
18 ~~joint projects.~~

19
20 ~~11-13-112. Funding.~~

21 ~~In order to provide opportunities for local and community-based~~
22 ~~agencies to create a locally operated and funded conservation corps, funds~~
23 ~~may be authorized to support the development of new local corps programs~~
24 ~~consistent with the provisions of this chapter.~~

25
26 ~~11-13-113. Annual report.~~

27 (a)(1) ~~On January 1, 1994, and each year thereafter during the~~
28 ~~existence of the Arkansas Conservation Corps, the Director of the Department~~
29 ~~of Labor shall report to the Legislative Council on the preceding fiscal~~
30 ~~year's impact of the program. All recipients of funds for approved projects~~
31 ~~shall provide the information requested by the Department of Labor for the~~
32 ~~purposes of this report.~~

33 (b) ~~The report shall include but not be limited to:~~

34 (1) ~~Productivity measures by the type of project funded;~~

35 (2) ~~The number of corpsmembers enrolled;~~

36 (3) ~~The average length of enrollment;~~

- 1 ~~(4) The extent of job training provided to participants;~~
- 2 ~~(5) The number of participants who find employment after~~
- 3 ~~completion of the project;~~
- 4 ~~(6) The estimated total dollar value of completed work projects;~~
- 5 ~~(7) The estimated potential revenue from projects completed by~~
- 6 ~~corpsmembers;~~
- 7 ~~(8) The estimated amount of dollar benefits in excess of dollar~~
- 8 ~~costs resulting from the program; and~~
- 9 ~~(9) The amount of appropriated funds expended on program~~
- 10 ~~administration.~~

11

12 SECTION 4. DO NOT CODIFY. The enactment and adoption of this act

13 shall not repeal, expressly or impliedly, the acts passed at the regular

14 session of the Eighty-Ninth General Assembly. All such acts shall have full

15 force and effect, and so far as those acts intentionally vary from or

16 conflict with any provision contained in this act, those acts shall have the

17 effect of subsequent acts amending or repealing the appropriate parts of the

18 Arkansas Code of 1987.