

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

As Engrossed: H4/17/13

A Bill

HOUSE BILL 2004

5 By: Representative Leding
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE FULL PAYMENT OF WAGES AFTER
9 TERMINATION OF EMPLOYMENT; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO REQUIRE FULL PAYMENT OF WAGES AFTER
12 TERMINATION OF EMPLOYMENT.
13
14
15
16

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

19 *SECTION 1. Arkansas Code § 11-4-405 is amended to read as follows:*
20 *11-4-405. Payment on discharge.*

21 *(a)(1) ~~Whenever any railroad company or corporation or any receiver~~*
22 *~~operating any railroad engaged in the business of operating or constructing~~*
23 *~~any railroad or railroad bridge shall discharge~~ When an employer discharges,*
24 *with or without cause, or ~~refuse~~ refuses to further employ any servant or*
25 *employee thereof, the unpaid wages of the servant or employee then earned at*
26 *the contract rate, without abatement or deduction, ~~shall be and become~~ are*
27 *due and payable on the day of the discharge or refusal to ~~longer employ~~*
28 *further employ.*

29 *(2)(A) ~~Any servant or employee may request of his or her foreman~~*
30 *~~or the keeper of his or her time to have the money due him or her, or a valid~~*
31 *~~check therefor, sent to any station where a regular agent is kept. If the~~*
32 *~~money or a valid check therefor does not reach the station~~ If the wages due*
33 *under subdivision (a)(1) of this section are not paid or tendered within*
34 *seven (7) days ~~from~~ after the date it is so requested of the discharge or*
35 *refusal to further employ, then, as a penalty for the nonpayment, the wages*
36 *of the servant or employee shall continue from the date of the discharge or*



1 refusal to further employ at the same rate until paid.

2 (B) However, the wages shall not continue more than sixty
3 (60) days unless an action ~~therefor shall be~~ for the continuation of the
4 wages is commenced within that time.

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

12 ~~(e)~~(b) Any servant or employee whose employment is for a definite
13 period of time and who is discharged without cause before the expiration of
14 that time may, in addition to the penalties prescribed by this section, have
15 an action against any employer for any damages he or she may have sustained
16 by reason of the wrongful discharge, and the action may be joined with an
17 action for unpaid wages and penalty.

18 ~~(d)~~(c) No servant or employee who secretes or absents himself to avoid
19 payment to him or her, or refuses to receive payment when fully tendered,
20 shall be entitled to any benefit under this section for the time as he or she
21 so avoids payment.

22
23 SECTION 2. Arkansas Code Title 11, Chapter 4, Subchapter 4, is amended
24 to add additional sections to read as follows:

25 11-4-406. Pay stub requirement.

26 (a) An employer shall provide to each employee for each pay period a
27 wage stub that:

28 (1) Lists the total hours worked by the employee and the gross
29 and net wages;

30 (2) Includes the rate of pay for the pay period;

31 (3) Includes overtime hours and compensation for overtime work
32 during the pay period;

33 (4) Identifies the pay period for which the payment is being
34 made;

35 (5) Includes an itemization of deductions with an explanation
36 for each deduction; and

1 (6) Lists the employer's name, address, and telephone number.

2 (b) An employer who fails to provide a wage stub as required under
3 this section may be assessed a penalty under Arkansas Code § 11-4-206.

4
5 11-4-407. Dispute over amount of wages.

6 (a)(1) In a dispute over the amount of wages due to an employee, an
7 employer shall pay, without condition, all wages or parts of wages that the
8 employer concedes to be due to the employee.

9 (2) After a payment under subdivision (a)(1) of this section,
10 the employee retains all remedies to which he or she might otherwise be
11 entitled regarding any balance claimed.

12 (b)(1) The acceptance by an employee of a payment under this section
13 does not constitute a release of the employee's claim to the balance of his
14 or her claim.

15 (2) A release required by an employer as a condition of payment
16 is void.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Leding