

Occupational Authorizations

for the meeting of the

ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE

Monday, September 11, 2023 at 1:30 PM

Department of Labor and Licensing

EMPLOYMENT COUNSELOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Division of Labor

Scope of Practice: §11-11-202
(8) "Employment counselor" means an employee of any employment agency who interviews, counsels, or advises applicants or employers, or both, on employment or allied problems or who makes or arranges contracts or contacts between employers and employees. The term "employment counselor" includes employees who solicit orders for employees from prospective employers.

Statutory Requirement(s): A.C.A. §11-11-208
(a) No person shall engage in the business of or act as an employment agent, agency manager, or counselor unless he or she first obtains a license from the Division of Labor.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Temporary License	\$10.00	Once
Fee	Initial Fee	\$20.00	Once
Fee	Renewal	\$20.00	Annually
Fee	Exam Fee	\$5.00	Once

Administrative Rules Documents

No Administrative Rules Documents Provided

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	2023_OLR_Submission_Recommended_Repeal_of_PEA_Law.docx
Public Health and Safety	BILL_DRAFT.PEA_License_Repeal.docx

PRIVATE EMPLOYMENT AGENCY

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Division of Labor

Scope of Practice: A.C.A. § 11-11-202(7)(A)
"Employment agent" or "employment agency" means any person engaged for hire, compensation, gain, or profit in the business of furnishing persons seeking employment with information or other service enabling the persons to procure employment by or through employers or furnishing any other person who may be seeking to employ or may be in the market for help of any kind with information enabling the other person to procure help.

Department of Labor and Licensing (Continued)**PRIVATE EMPLOYMENT AGENCY (Continued)**

Statutory Requirement(s): A.C.A. §11-11-208

(a) No person shall engage in the business of or act as an employment agent, agency manager, or counselor unless he or she first obtains a license from the Division of Labor.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Temporary License	\$100.00	Once
Fee	Initial Fee	\$250.00	Once
Fee	Renewal	\$250.00	Annually
Fee	Exam	\$5.00	Once
Fee	Record of Authorization of Address Change	\$10.00	Once
Penalty	Failure to Obtain License	\$50.00	Daily

Administrative Rules Documents*No Administrative Rules Documents Provided***Supporting Evidence Documents**

Document Type	Document
Public Health and Safety	2023_OLR_Submission_Recommended_Repeal_of_PEA_Law.docx
Public Health and Safety	BILL_DRAFT.PEA_License_Repeal.docx

EMPLOYMENT AGENCY MANAGER

Authorization Type: Licensure # of Individuals Regulated: 30

Entity Division Name: Labor Standards Division

Scope of Practice: §11-11-202
(1) "Agency manager" means the individual designated by the employment agency to conduct the general management, administration, and operation of a designated employment agency office. Every employment agency must maintain a licensed agency manager at each of its separate office locations.

Statutory Requirement(s): A.C.A. §11-11-208

(a) No person shall engage in the business of or act as an employment agent, agency manager, or counselor unless he or she first obtains a license from the Division of Labor.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Temporary License	\$10.00	Once

Department of Labor and Licensing (Continued)**EMPLOYMENT AGENCY MANAGER (Continued)**

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Initial Fee	\$25.00	Once
Fee	Renewal	\$25.00	Annually
Fee	Exam Fee	\$5.00	Once

Administrative Rules Documents

No Administrative Rules Documents Provided

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	2023_OLR_Submission_Recommended_Repeal_of_PEA_Law.docx
Public Health and Safety	BILL_DRAFT.PEA_License_Repeal.docx

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Department of Labor and Licensing – Labor Standards Division

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **NO**. What instances of specific and substantial harm have been documented in the past year? **NONE**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **NONE**. What specific action was taken by the occupational entity? **N/A**
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **NONE**. What specific action was taken by the occupational entity? **N/A**
4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **NO**. If so, why? **N/A**
5. How much does the occupational entity collect annually in fees, and what are annual expenses? **Less than \$8,500.00 annual collections and Division of Labor are not covered by what is collected**. How much money does the occupational entity have in reserves? **N/A (Fees are sent to Treasury. Agency does not retain.)**
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **N/A** For what purpose? **N/A**
7. Does the occupational entity have any other sources of revenue? **NO**. Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? **NO. Division of Labor already is underfunded as it relates to PEA's.**
8. How many applicants for the occupational authorization fail each year? **NONE**. Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **YES**.
9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships? **N/A**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

The Division of Labor supports the repeal of PEA licensing statutes.