

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1048

4
5 By: Representative Lendall
6
7

For An Act To Be Entitled

8
9 "AN ACT TO PROHIBIT EMPLOYEE DISPLACEMENT THROUGH WORK
10 SUPPLEMENTATION PROGRAMS; AND FOR OTHER PURPOSES."

Subtitle

11
12
13 "AN ACT TO PROHIBIT EMPLOYEE DISPLACEMENT
14 THROUGH WORK SUPPLEMENTATION PROGRAMS."
15

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

SECTION 1. Definitions.

18
19 (1) "Participant" means a TEA recipient who participates in a work
20 supplementation program.

21 (2) "TEA recipient" means a TEA recipient or a person who receives food
22 stamps under the federal food stamp program.

23 (3) "Work supplementation program" means:

24 (A) A program under which the state reserves all or part of the
25 amounts that would be payable as benefits to TEA recipients and uses those
26 amounts to provide and subsidize jobs for the recipients;

27 (B) A program under which the state grants an employer a tax
28 credit, tax abatement, or other favorable tax treatment for hiring TEA
29 recipients; or

30 (C) A program under which TEA recipients work for an employer in
31 exchange for benefits.
32

33 SECTION 2. (a) An employer may not hire a TEA recipient under a work
34 supplementation program if the hiring:

35 (1)(A) Displaces or partially displaces an employee from an
36 existing position;

1 (B) Eliminates a vacant position created by the layoff of an
2 employee in the preceding sixty (60) calendar days; or

3 (2) Is the result of a strike.

4 (b) A participant in a work supplementation program is:

5 (1) Considered an employee of the participating employer for all
6 purposes consistent with the provisions of applicable state and federal law;

7 (2) Entitled to receive compensation at a rate not less than the
8 rate the employer pays other employees with similar background, training, or
9 experience who are performing the same type work; and

10 (3) Entitled to the same rights as the employer's other employees
11 under any applicable grievance procedures.

12 (c) An employer participating in a work supplementation program may not
13 require as a condition of employment that an employee hired under the program
14 join or refrain from joining a labor organization.

15 (d) This section does not create or authorize a cause of action against
16 an employer.

17
18 SECTION 3. If a state agency determines that a waiver or authorization
19 from a federal agency is necessary for implementation, the state agency shall
20 request the waiver or authorization and may delay implementing that provision
21 until the waiver or authorization is granted.

22
23 SECTION 4. This Act does not apply to a volunteer work experience
24 program established under Arkansas Code 20-76-402.

25
26 SECTION 5. This Act takes effect September 1, 1999.

27
28 SECTION 6. All provisions of this Act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

31
32 SECTION 7. If any provision of this Act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the Act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 Act are declared to be severable.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.