

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2499

4
5 By: Representatives Adcock, Elliott, Bond, Blount, Chesterfield, Dobbins, Goss, Ledbetter, Mack
6 By: Senators Brown, Steele

For An Act To Be Entitled

10 AN ACT TO INCREASE THE STATEWIDE MINIMUM WAGE TO
11 SIX DOLLARS AND FIFTEEN CENTS (\$6.15) PER HOUR;
12 AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO INCREASE THE STATEWIDE MINIMUM
16 WAGE TO SIX DOLLARS AND FIFTEEN CENTS
17 (\$6.15) PER HOUR.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1 . Arkansas Code § 11-4-203 is amended to read as follows:
23 11-4-203. Definitions.

24 As used in this subchapter, unless the context otherwise requires:

- 25 (1) "Director" means the Director of the Department of Labor;
26 (2) "Employ" includes to suffer or to permit to work;
27 (3) "Employee" includes any individual employed by an employer

28 but shall not include:

29 (A) Any individual employed in a bona fide executive,
30 administrative, or professional capacity or as an outside commission-paid
31 salesperson who customarily performs his or her services away from his or her
32 employer's premises taking orders for goods or services;

33 (B) Students performing services for any school, college,
34 or university in which they are enrolled and are regularly attending classes;

35 (C) Any individual employed by the United States or by the
36 state or any political subdivision thereof, except public schools and school



1 districts;

2 (D) Any individual engaged in the activities of any
 3 educational, charitable, religious, or nonprofit organization where the
 4 employer-employee relationship does not in fact exist or where the services
 5 are rendered to the organizations gratuitously;

6 (E) Any bona fide independent contractor;

7 (F) Any individual employed by an agricultural employer
 8 who did not use more than five hundred (500) man-days of agricultural labor
 9 in any calendar quarter of the preceding calendar year;

10 (G) The parent, spouse, child, or other member of an
 11 agricultural employer's immediate family;

12 (H) An individual who:

13 (i) Is employed as a hand-harvest laborer and is
 14 paid on a piece-rate basis in an operation which has been, and is customarily
 15 and generally recognized as having been, paid on a piece-rate basis in the
 16 region of employment;

17 (ii) Commutes daily from his or her permanent
 18 residence to the farm on which he or she is so employed; and

19 (iii) Has been employed in agriculture fewer than
 20 thirteen (13) weeks during the preceding calendar year;

21 (I) A migrant who:

22 (i) Is sixteen (16) years of age or under and is
 23 employed as a hand-harvest laborer;

24 (ii) Is paid on a piece-rate basis in an operation
 25 which has been, and is customarily and generally recognized as having been,
 26 paid on a piece-rate basis in the region of employment;

27 (iii) Is employed on the same farm as his or her
 28 parents; and

29 (iv) Is paid the same piece-rate as employees over
 30 age sixteen (16) years are paid on the same farm;

31 (J) Any employee principally engaged in the range
 32 production of livestock;

33 (K) Any employee employed in planting or tending trees,
 34 cruising, surveying, or felling timber or in preparing or transporting logs
 35 or other forestry products to the mill, processing plants, or railroad or
 36 other transportation terminal if the number of employees employed by his or

1 her employer in the forestry or lumbering operations does not exceed eight
2 (8);

3 (L) An employee employed by a nonprofit recreational or
4 educational camp that does not operate for more than seven (7) months in any
5 calendar year; or

6 (M) A nonprofit child welfare agency employee who serves
7 as a houseparent who is:

8 (i) Directly involved in caring for children who
9 reside in residential facilities of the nonprofit child welfare agency and
10 who are orphans, in foster care, abused, neglected, abandoned, homeless, in
11 need of supervision, or otherwise in crisis situations that lead to out-of-
12 home placements; and

13 (ii) Compensated at an annual rate of not less than
14 thirteen thousand dollars (\$13,000) or at an annual rate of not less than ten
15 thousand dollars (\$10,000) if the employee resides in the residential
16 facility and receives board and lodging at no cost;

17 (4)(A) "Employer" includes any individual, partnership,
18 association, corporation, business trust, or any person or group of persons
19 acting directly or indirectly in the interest of an employer in relation to
20 an employee.

21 (B)~~(i)~~ "Employer" shall not include any individual,
22 partnership, association, corporation, business trust, or any person or group
23 of persons acting directly or indirectly in the interest of an employer in
24 relation to an employee for any workweek in which fewer than four (4)
25 employees are employed;

26 ~~(ii) Nor shall "employer" or any provisions of this~~
27 ~~subchapter be deemed to include or apply to any person, firm, corporation, or~~
28 ~~other entity subject to the minimum wage and overtime provisions of the~~
29 ~~federal Fair Labor Standards Act of 1938;~~

30 (5) "Gratuities" means voluntary monetary contributions received
31 by an employee from a guest, patron, or customer for services rendered;

32 (6) "Independent contractor" means any individual who contracts
33 to perform certain work away from the premises of his or her employer, uses
34 his or her own methods to accomplish the work, and is subject to the control
35 of the employer only as to the result of his or her work;

36 (7) "Man-day" means any day during any portion of which an

1 employee performs any agricultural labor. Any individual otherwise excluded
2 as an employee under subdivision (3)(I) of this section shall be considered
3 an employee in computing man-days of agricultural labor;

4 (8) "Occupation" means any occupation, service, trade, business,
5 industry, or branch or group of industries or employment or class of
6 employment in which employees are gainfully employed; and

7 (9) "Wage" means compensation due to an employee by reason of
8 his or her employment, payable in legal tender of the United States or checks
9 on banks convertible into cash on demand at full face value, subject to such
10 deductions, charges, or allowances as may be permitted by this subchapter or
11 by regulations of the director under this subchapter.

12
13 SECTION 2. Arkansas Code § 11-4-210(a), concerning minimum wage, is
14 amended to read as follows:

15 ~~(a)(1) Beginning July 1, 1997, every employer shall pay each of his or~~
16 ~~her employees wages at the rate of not less than four dollars and seventy-~~
17 ~~five cents (\$4.75) per hour except as otherwise provided in this chapter.~~

18 ~~(2) Beginning October 1, 1997, every employer shall pay each of~~
19 ~~his or her employees wages at the rate of not less than five dollars and~~
20 ~~fifteen cents (\$5.15) per hour except as otherwise provided in this chapter.~~

21 (a) Beginning on the effective date of this act, every employer shall
22 pay each of his or her employees wages at the rate of not less than six
23 dollars and fifteen cents (\$6.15) per hour except as otherwise provided in
24 this chapter.

25
26
27
28
29
30
31
32
33
34
35
36