1 State of Arkansas

2 87th General Assembly

A Bill

3 Regular Session, 2009   HOUSE BILL   1167

4

5 By: Representatives Cooper, Dunn, Everett, George, Wells

6 By: Senators P. Malone, Miller, Wilkinson

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9   **For An Act To Be Entitled**

10   AN ACT TO ALLOW TIPPED FOOD SERVICE EMPLOYEES OF

11   THE DEPARTMENT OF PARKS AND TOURISM TO BE

12   CONSIDERED SUBSTANTIALLY GAINFULLY EMPLOYED FOR

13   PURPOSES OF THE ARKANSAS PUBLIC EMPLOYEES'

14   RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

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16   **Subtitle**

17   TO ALLOW TIPPED FOOD SERVICE EMPLOYEES

18   OF THE DEPARTMENT OF PARKS AND TOURISM

19   TO BE CONSIDERED SUBSTANTIALLY GAINFULLY

20   EMPLOYED FOR PURPOSES OF THE ARKANSAS

21   PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26   SECTION 1. Arkansas Code § 24-4-101(17)(B)(ix), concerning the

27 definition of "employee" for purposes of membership in the Arkansas Public

28 Employees' Retirement System, is amended to read as follows:

29   (ix)(a)(1) Persons whose rate of pay does not constitute

30 employment that is substantially gainful shall be excluded from membership.

31   (2) A rate of pay less than the federal

32 minimum wage for the year shall not be considered employment that is

33 substantially gainful.

34   (b) A tipped food service employee of the Department

35 of Parks and Tourism who is guaranteed the prevailing minimum wage by the

36 Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as it existed on

1   January 1, 2009, is in employment that is substantially gainful.

2   (c)   The employee and employer contributions for a

3   tipped food service employee of the Department of Parks and Tourism is

4   computed based on the tipped food service employee's hourly rate of pay;

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