

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

A Bill

HOUSE BILL 1682

5 By: Representatives Cozart, D. Altes, Barnett, Davis, Murdock, Womack
6 By: Senator Files
7

For An Act To Be Entitled

9 AN ACT TO REMOVE PROOF OF FREEDOM FROM CONTROL FROM
10 THE EXCEPTIONS TO THE DEFINITION OF EMPLOYEE FOR THE
11 DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO REMOVE PROOF OF FREEDOM FROM CONTROL
16 FROM THE EXCEPTIONS TO THE DEFINITION OF
17 EMPLOYEE FOR THE DEPARTMENT OF WORKFORCE
18 SERVICES LAW.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 11-10-210(e), concerning the definition of
25 employment for the Department of Workforce Services Law, is amended to read
26 as follows:

27 (e) Service performed by an individual for wages shall be deemed to be
28 employment subject to this chapter irrespective of whether the common law
29 relationship of master and servant exists, unless and until it is shown to
30 the satisfaction of the director that:

31 ~~(1) Such individual has been and will continue to be free from~~
32 ~~control and direction in connection with the performance of the service, both~~
33 ~~under his or her contract for the performance of service and in fact;~~

34 (2)(1) The service is performed either outside the usual course
35 of the business for which the service is performed or is performed outside of
36 all the places of business of the enterprise for which the service is



1 performed; and

2 ~~(3)~~(2) The individual is customarily engaged in an independently
3 established trade, occupation, profession, or business of the same nature as
4 that involved in the service performed.

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