

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1277

4
5 By: Representative Leding

For An Act To Be Entitled

8 AN ACT TO CREATE THE RIGHT TO WAGES EARNED ACT; AND
9 FOR OTHER PURPOSES.

Subtitle

12 TO CREATE THE RIGHT TO WAGES EARNED ACT.

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

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16 SECTION 1. Arkansas Code § 11-4-405 is amended to read as follows:
17 11-4-405. Payment on discharge.

18 (a)(1) ~~Whenever any railroad company or corporation or any receiver~~
19 ~~operating any railroad engaged in the business of operating or constructing~~
20 ~~any railroad or railroad bridge shall discharge~~ When an employer discharges,
21 ~~with or without cause, or refuse~~ refuses to further employ any servant or
22 employee ~~thereof~~, the unpaid wages of the servant or employee then earned at
23 the contract rate, without abatement or deduction, ~~shall be and become~~ are
24 due and payable on the day of the discharge or refusal to ~~longer employ~~
25 further employ.

26 (2)(A) ~~Any servant or employee may request of his or her foreman~~
27 ~~or the keeper of his or her time to have the money due him or her, or a valid~~
28 ~~check therefor, sent to any station where a regular agent is kept. If the~~
29 ~~money or a valid check therefor does not reach the station~~ If the wages due
30 under subdivision (a)(1) of this section are not paid or tendered within
31 seven (7) days ~~from~~ after the date ~~it is so requested~~ of the discharge or
32 refusal to further employ, then, as a penalty for the nonpayment, the wages
33 of the servant or employee shall continue from the date of the discharge or
34 refusal to further employ at the same rate until paid.
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1 (B) However, the wages shall not continue more than sixty
 2 (60) days unless an action ~~therefor shall be~~ for the continuation of the
 3 wages is commenced within that time.

4 ~~(b) This section shall apply to all companies and corporations doing~~
 5 ~~business in this state and to all servants and employees thereof. Any~~
 6 ~~servants or employees who shall hereafter be discharged or refused further~~
 7 ~~employment may request or demand the payment of any wages due and, if not~~
 8 ~~paid within seven (7) days from discharge or refusal to longer employ, then~~
 9 ~~the penalties provided in subdivision (a)(2) of this section for railway~~
 10 ~~employees shall attach.~~

11 ~~(e)(b)~~ Any servant or employee whose employment is for a definite
 12 period of time and who is discharged without cause before the expiration of
 13 that time may, in addition to the penalties prescribed by this section, have
 14 an action against any employer for any damages he or she may have sustained
 15 by reason of the wrongful discharge, and the action may be joined with an
 16 action for unpaid wages and penalty.

17 ~~(d)(c)~~ No servant or employee who secretes or absents himself or
 18 herself to avoid payment to him or her, or refuses to receive payment when
 19 fully tendered, shall be entitled to any benefit under this section for the
 20 time as he or she so avoids payment.

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 22 SECTION 2. Arkansas Code Title 11, Chapter 4, Subchapter 4, is amended
 23 to add an additional section to read as follows:

24 11-4-406. Dispute over amount of wages.

25 (a)(1)(A) In a dispute over the amount of wages due to an employee,
 26 an employer shall pay, without condition, all wages or parts of wages that
 27 the employer concedes to be due to the employee.

28 (B) If at the time of discharge, an employee possesses
 29 property belonging to the employer, subdivision (a)(1)(A) of this section
 30 does not apply until the employee returns the property to the employer.

31 (2) After a payment under subdivision (a)(1) of this section,
 32 the employee retains all remedies to which he or she might otherwise be
 33 entitled regarding any balance claimed.

34 (b)(1) The acceptance by an employee of a payment under this section
 35 does not constitute a release of the employee's claim to the balance of his
 36 or her claim.

1 (2) A release required by an employer as a condition of payment
2 is void.

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