MINIMUM WAGE
All employees covered by Arkansas Code 11-4-202 to 11-4-220 must be paid a minimum wage of at least: $9.25 an hour effective January 1, 2019; with an increase of one half cent per hour for each year thereafter until January 1, 2021, when the minimum wage shall be $11.00 an hour.

COVERAGE
The Arkansas Minimum Wage applies to an employer of four (4) or more workers. All employees of the above employers are covered except:

- Executive, administrative or professional employees.
- Outside commission-paid salesmen.
- Students whose work is a part of a bona fide vocational training program.
- Students who work in the schools they are attending.
- Some farm labor.
- Independent contractors.
- Employees of the United States.

STUDENT RATE
Any full-time student attending any accredited institution of education within the State of Arkansas, and who is employed to work an amount not to exceed twenty (20) hours during any one week, may be paid at a rate of at least $6.87 per hour.

EQUAL PAY ACT
No employer in the State of Arkansas shall discriminate in the payment of wages as between the sexes or shall pay any female in his employ, salary or wage rate less than the rates paid to male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or difference in duties and responsibilities of the work performed or the difference in the skill or time required to do the work, or any other reasonable differentiation except difference in sex. Every employer shall keep and maintain records of the salaries and wages paid, job classifications and other terms and conditions of employment of the persons employed by him and such records shall be preserved for a period of three (3) years.

PENALTIES
Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of these statutes or otherwise willfully violates any provision of these statutes or of any regulation issued under these statutes or of any regulation issued under this Act shall be deemed in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars ($50.00) and not more than one thousand dollars ($1,000.00) for each violation. Employees or other persons who have performed any work or services as part of the applicable minimum wage rate, must maintain daily records showing for each employee the amounts claimed as allowable deductions which will substantially reduce the amount of wages actually received by the employee or the employer's reasonable cost in supplying items or services as part of the applicable minimum wage rate.

STUDENT-EARNERS
A “Student-Earners” is a person who is receiving regular instruction in an accredited school and who is employed on a part-time basis in a bona fide vocational training program. For further information contact the Department of Labor.

OVERTIME PAY
Overtime compensation must be paid at the rate of one and one-half times the regular rate of pay for hours worked in excess of 40 hours in a workweek. This overtime provision shall not be applicable with respect to employers with less than 4 employees, or agricultural employees.

WEEKWORK
A workweek is a seven-day recurring period of 168 hours in the form of seven consecutive 24-hour periods.

ENFORCEMENT
Powers of the Director of Labor: The Director or his representatives have the authority to:

(a) enter and inspect any place of employment in the State to examine books, payrolls, and records having to do with wages and hours. He may copy these records if necessary and may question any employees to find out if the law is being obeyed.

(b) require of any person statements from an employer about his employees’ earnings and hours of work.

(c) examine the records maintained thereunder.

DEDUCTIONS FROM THE MINIMUM WAGE
No deduction from the applicable minimum wage may be made except those authorized or required by law or by regulations of the Director of Labor, however, deductions which are not otherwise prohibited and which are for the benefit of the employee may be made if authorized in writing by the employee.

Keeping of Records
All employees subject to the Minimum Wage Law must keep accurate records for a period of three (3) years. These records must include the name, address, occupation, rate of pay, hours worked and the amount paid each pay period for all employees covered by the law. In addition, every employer who claims an allowance for tips, board, lodging, apparel or other items or services as part of the applicable minimum wage rate, must maintain daily records showing for each employee the amounts claimed as allowable deductions which will substantially reduce the amount of wages actually received by the employee or the employer’s reasonable cost in supplying items or services as part of the applicable minimum wage rate.

Child Labor
State law regulates the employment of minors under the age of 17 and, generally, requires children under the age of 16 to have employment certificates. Employment certificates for children ages 14 and 15 are not required for seasonal agricultural laborers, newspaper carriers, bat boys or bat girls of professional baseball clubs, or sports referees.

Special provisions govern the employment of children in the entertainment industry, as newspaper carriers, bat boys or bat girls of professional baseball clubs, sports referees, to hand harvest short season crops, or by their parents or guardians during school vacation.

Children who are 16 years of age may not work:

- More than 10 consecutive hours in any one day; no more than ten hours in a twenty-four hour period.
- More than 6 days a week.
- More than 48 hours in any one week.
- More than 8 hours a day.
- More than 48 hours a week.
- Before 6:00 a.m. nor after 7:00 p.m. except on nights preceding non-school days, in occupations determined by rule of the Arkansas Department of Labor to be sufficiently safe for their employment. No 16-year old shall be subject to the provisions of this Act.

Public Employees
No public employees of the State of Arkansas shall be employed except those authorized or required by law or by regulations of the Director of Labor, however, deductions which are not otherwise prohibited and which are for the benefit of the employee may be made by authorized in writing by the employee.

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- More than 48 hours in any one week.
- More than 8 hours a day.
- More than 48 hours a week.
- Before 6:00 a.m. nor after 11:00 p.m. except that the limitations of 6:00 a.m. and 11:00 p.m. shall not apply to children 16 years of age employed on nights preceding non-school days in occupations determined by rule of the Arkansas Department of Labor to be sufficiently safe for their employment. No 16-year old shall be subject to the provisions of this Act.

Penalties
Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of these statutes or otherwise willfully violates any provision of these statutes or of any regulation issued under these statutes or of any regulation issued under this Act shall be deemed in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars ($50.00) and not more than one thousand dollars ($1,000.00) for each violation. For the purpose of this subsection, each such violation shall constitute a separate offense. Any employer who willfully discharges or in any other manner willfully discriminates against any employee because such employee has made any complaint to his employer, to the Director of Labor, or his authorized representative that he has not been paid minimum wages in accordance with the provisions of these statutes, or because the employee has caused or is about to cause to be instituted any proceeding under or related to these statutes, or because the employee has testified or is about to testify in any such proceeding shall be deemed in violation of the Minimum Wage Statute and shall be subject to a civil penalty of not less than fifty dollars ($50.00) and not more than one thousand dollars ($1,000.00) for each violation. For the purpose of this section, each day the violation continues shall constitute a separate offense. In addition to the civil penalty, the Director of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person, firm, corporation, partnership, or association who violates the provision of these statutes or any regulation.

EMPLOYEES REMEDIES
The Director of Labor may enforce Arkansas minimum wage laws by filing legal actions to recover any wages due. An employee may bring an action for equitable and monetary relief against an employer, including the State of Arkansas or a political subdivision of the state, if the employer pays the employee less than the minimum wage, including overtime wages, to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before filing an action. An employee may recover the full amount of wages due plus costs and a reasonable attorney’s fee. The employee may also be awarded an additional amount up to but not greater than the amount of wages found to be due, to be paid as liquidated damages.

EMPLOYERS SUBJECT TO THE MINIMUM WAGE ACT ARE REQUIRED TO POST THIS NOTICE IN A CONspICUOUS PLACE FOR ALL EMPLOYEES.

Effective January 1, 2019