

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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For Office

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Name of Agency Office of Skills Development

Department Apprenticeship

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Statutory Authority for Promulgating Rules Cody Waits

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Kimberly Asther

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8/4/21

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Cody Waits

Signature

501-683-5985

Phone Number

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Director, Office of Skills Development

Title

08/04/2021

Date

**RULES AND REGULATIONS
FOR
ARKANSAS' REGISTERED APPRENTICESHIP PROGRAMS**

**Pursuant to Act 684 of 1989;
Acts 546, 553 and 10 of 1991; and
as Amended by Act 830 of 1993, Act 140 of 2015, Act 1122 of 2015,
and Act 369 of 2019**

August 1, 2019

EXECUTIVE SUMMARY
RULES AND REGULATIONS FOR ARKANSAS' TRADITIONAL APPRENTICESHIP
PROGRAMS

**Pursuant to Act 684 of 1989; Acts 546, 553, and 10 of 1991; and
as amended by Act 830 of 1993, Act 140 of 2015, Act 1122 of 2015,
and Act 369 of 2019**

- A. Objectives of Apprenticeship Training: The objectives of apprenticeship training are to (1) help fill the country's industrial, commercial, and private sector needs for qualified, skilled craft persons; (2) teach and develop good work habits; (3) assure that skills are passed from one generation to the next; (4) provide a concurrent and or alternative to other educational programs for those high school graduates who want to enter the trade or technical fields; and (5) offer a training program in which an individual earns while learning.
- B. General: Apprenticeship training is a method of training an individual in a skilled occupation through a combination of on-the-job training and related classroom instruction. Both on-the-job training and related classroom instruction are required to produce a skilled worker. Apprenticeship develops a most valuable asset - development of a skilled and knowledgeable workforce in which the people have made an investment through the educational system. Less tax support is required for apprentice training programs because of the contributions of segments of the industry employing the apprentices. Because the apprentices are working students, they are taxpayers. In many cases apprentices contribute more money to the tax system than the cost to the system of their education. The self-sufficient apprentice working toward greater employability makes a better citizen. The public is assured of a higher quality of workmanship in the products they use or consume. The apprentices are potential business and community leaders of the future as well as stable workers and citizens.
- C. Eligibility for Apprenticeship: Applicants must be citizens of the United States or legally qualified to work if they are not citizens. There can be no discrimination among qualified applicants because of race, creed, color, sex or national origin. Minimum age and education requirements are established by the individual training committees. Normally the minimum age will vary from 16 to 18. In most cases a high school education is required. Usually the required education equivalency may be established through the General Education Development Certificate. Various other qualifications are established by each training committee to meet the needs of its particular craft. Under no circumstances will the apprenticeship system discourage any person from completing a high school education in order to enter an apprenticeship program.
- D. The Apprenticeship Committee: Apprenticeship training programs are normally conducted by a sponsor or sponsors through a training committee. These committees also are known as Local Apprenticeship Committees. If there is more than one sponsor, each is represented equally on the committee. If management

and labor co-sponsor a program, each is equally represented and the committee is called a Joint Training Committee or Joint Apprenticeship Committee. The apprenticeship committee is an autonomous local group which provides for the orderly operation of the apprentice training program for a particular craft or technical area. Each trade or craft will have its own committee.

- E. Instructors: Related classroom instructors are selected/recommended to the local education agency by the training committee. Instructors should have a high school education or establish, through a general education development test, that they have the equivalent of such education. Five years of experience may be required in the appropriate trade or technical area with at least two of these years as a journeyman. The instructors are encouraged to continue their own education through available means. For teaching such subjects as craft-related mathematics and blueprint reading, persons other than the journeyman are considered; teachers with the ability to relate subject matter to job conditions may be used for these subjects with the approval of the local education agency.
- F. Monitoring and Evaluation: After establishing a program, one of the prime concerns of the committee is the monitoring and evaluation of the training. This is a responsibility of the Local Apprenticeship Committee, U.S. Department of Labor, Office of Apprenticeship (USDOL/OA), and the State Apprenticeship Office (SAO) of the Arkansas Department of Commerce, Office of Skills Development, through which funds are provided. It provides a means of determining the effectiveness of the instructors and of the training program. Monitoring of classes begins immediately where new instructors are involved. This is advantageous to the Local Apprenticeship Committee in determining where deficiencies may exist. To determine whether or not the training program is accomplishing its purpose, the Local Apprenticeship Committee relies on employee reports and testing of students in the classroom. Changes are incorporated where needed. Evaluations are made less often in older programs or those with experienced instructors. The requirements will vary among trades and technical committees, with each committee determining its own needs.
- G. Funding: Act 10 of 1991 allows eligible recipients (program sponsors) to submit applications for funds to improve apprenticeship related classroom instruction. All application amounts will be developed on the basis of the current contact hour rate not to exceed a maximum contact hour rate established by the Arkansas Apprenticeship Coordination Steering Committee (AACSC). Depending on the number of programs, the current contact hour rate of funding may be less than the maximum rate established. The AACSC in consultation with the State Apprenticeship Office, the Department of Commerce, Office of Skills Development, shall establish the current contact hour rates. Normally, programs will be funded up to a maximum of 160 hours of instruction per instructor.

Pursuant to Act 684 of 1989, a public school district and a state postsecondary/higher education institution may receive an administrative fee to cover the costs of processing the records of the apprentice which shall not exceed

\$25 per apprentice per school year. No more than 15% of the state funds may be used by the program sponsor for administrative purposes such as supervisory and/or secretarial salaries, travel, office supplies, etc. The AACSC may require an independent audit (to be paid for by the program) of any program.

- H. Application: Every application must address each of the requirements of the application. The State Apprenticeship Office reserves the right to reject any and all applications that address only part of the requirements contained in the application. It should be clearly understood that an approved application will not necessarily receive the requested amount if a lesser amount is determined to be appropriate.

One application with original signatures must be submitted. Applications sent by mail should be addressed to:

State Apprenticeship Office
Arkansas Department of Commerce, Office of Skills Development
#3 Capitol Mall
Little Rock, AR 72201-1083

Hand delivered applications will be accepted at the above address daily between 8 a.m. and 4 p.m., except Saturdays, Sundays, and holidays. In establishing the time and date of receipt, the State Apprenticeship Office will rely solely on the date stamp of the State Apprenticeship Office, Arkansas Department of Commerce, Office of Skills Development.

- I. Program Starting and Ending Dates: The local program sponsor may determine the need for providing apprenticeship programs at various times during the year. Therefore an application may be submitted at any time. However, the application will be reviewed and approved/disapproved at selected times. Due to the limits on program improvement funds and the need to use these funds efficiently, the AACSC will establish deadline dates each year.
- J. Registered Apprentices and Programs: All apprentices and apprenticeship programs must be registered with the USDOL/OA. Requests for appeals to the approval and/or funding process should be addressed to:

Director
Department of Commerce, Office of Skills Development
#3 Capitol Mall
Little Rock, AR 72201-1083
Telephone: 501-682-1500

- K. Inquiries: Inquiries concerning the apprenticeship programs, improvements funds, services, and activities should be directed to the SAO, telephone 501-682-1360 or FAX 501-682-1355.

**RULES AND REGULATIONS
FOR
ARKANSAS' REGISTERED APPRENTICESHIP PROGRAMS
Pursuant to Act 684 of 1989; Acts 546, 553, and 10 of 1991; and
as amended by Act 830 of 1993, Act 140 of 2015, Act 1122 of 2015,
and Act 369 of 2019**

SECTION I. AUTHORITY

The following rules and regulations are duly adopted and promulgated by the Career Education and Workforce Development Board pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 684 of 1989, and Acts 546, 553, and 10 of 1991 and as amended by Act 830 of 1993, Act 140 of 2015, Act 1122 of 2015, and Act 369 of 2019. The Career Education and Workforce Development Board may exercise such powers as are necessary to carry out the provisions of these Acts and the associated rules and regulations.

SECTION II. DEFINITIONS

APPRENTICE: An APPRENTICE is an individual enrolled in an apprenticeship training program that is registered by the USDOL/OA, working at their chosen occupation, who has a signed indenture agreement on file with OA and, when working in an occupation where a license is required, has been issued such a license.

APPRENTICE COORDINATOR: An APPRENTICE COORDINATOR is the person designated by the program sponsor to be the primary contact person for the program and to coordinate the program.

APPRENTICESHIP TRAINING PROGRAM: An APPRENTICESHIP TRAINING PROGRAM is a training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in a trade that has been registered/certified as an apprenticeable occupation by the USDOL/OA.

ARKANSAS APPRENTICESHIP COORDINATION STEERING COMMITTEE (AACSC): The AACSC is a committee appointed by the Governor of the State of Arkansas who represent bargaining agents, employers, minorities and female workforce, the general public, and educators whose purpose is to oversee the operation and funding of apprentice training programs in the State of Arkansas.

APPRENTICEABLE OCCUPATION: An APPRENTICEABLE OCCUPATION is an occupation recognized by the USDOL/OA and throughout an industry as a skilled occupation learned through structured on-the-job training requiring at least 2,000 hours of per year supplemented by related instruction requiring at least 144 hours per year or as approved by USDOL/OA.

APPRENTICESHIP: APPRENTICESHIP is a learning approach that enables an individual to become a qualified professional in a skilled occupation. This training consists of on-the-job training with job related (off-the-job) instruction.

APPRENTICESHIP STANDARDS: APPRENTICESHIP STANDARDS are the rules and regulations that the sponsor registers with the USDOL/OA that describes the way in which an apprenticeship training program will be conducted.

OA: OA stands for the Office of Apprenticeship of the United States Department of Labor.

CONTACT HOUR: A CONTACT HOUR is a block of contact time of 60 minutes during which an apprentice receives instruction in a supervised classroom or laboratory environment. State funding can be requested in 15 minute increments

INDENTURE AGREEMENT: An INDENTURE AGREEMENT is a signed agreement between the apprentice and the sponsoring entity, person or firm. This agreement includes the basic standard rules and regulations of the particular program and are registered (filed) with the USDOL/OA.

JOURNEYMAN: A JOURNEYMAN is an individual who has (if required) completed an apprenticeship training program and been released from their indenture agreement, has been recognized by their peers as having attained journeyman status, has by examination or other proof of competence demonstrated their ability to perform work as a journeyman, or when working in an occupation requiring a journeyman license has been issued such a license.

LOCAL EDUCATION AGENCY (LEA): The LEA is a public community college, technical college, secondary or post-secondary vocational-technical school, technical institute, university, life-long learning center, adult education center, area vocational center, or a public school system that has an assigned "LEA Number" recognized or accepted by the Arkansas Department of Education and the Department of Commerce, Office of Skills Development.

ON-THE-JOB TRAINING (OJT): Each apprentice must receive on-the-job training and related instruction concurrently. On-the- job training is defined as work performed at a job or work site that relates to the classroom training received by the apprentice or trainee. This training should reinforce the theoretical or classroom skills gained in the classroom and requires proper and direct supervision at all times.

PREPARATORY INSTRUCTION: PREPARATORY INSTRUCTION is a course of instruction lasting six months or less that teaches the basic skills required for an individual to enter the workforce.

PROGRAM SPONSOR: The PROGRAM SPONSOR is any person or organization operating a registered apprenticeship program. The person or organization may be either an employer or a representative of the apprentice.

RELATED INSTRUCTION: RELATED INSTRUCTION is organized, off-the-job instruction in subjects required for the completion of an apprenticeship program for a particular apprenticeable occupation. The instruction is designed to enhance both theoretical and applied skills. The related instruction is documented by appropriate written and/or performance tests.

SUPERVISION: The on-the-job training must be under the supervision of a journeyman or master.

SUPPLEMENTARY INSTRUCTION: SUPPLEMENTARY INSTRUCTION is a course of instruction that is designed to provide new skills or upgrade the current skills of fully qualified person in an apprentice occupation.

SECTION III. QUALIFICATIONS

A. APPRENTICE

1. The Local Apprenticeship Committee must adhere to the USDOL/OA Standards of Apprenticeship in the selection of apprentices.

B. INSTRUCTOR

The related training instructors are selected and recommended by the Local Apprenticeship Committee. Program sponsors will set the minimum requirements or criteria for trainers, teachers, or instructors in their training programs. Instructors should have a high school education or be able to establish, through a general education development test, that they have the equivalent of such education. Five years of experience may be required in the appropriate trade or technical area with at least two of these years as a journeyman. The instructors are encouraged to continue their own education through available means. For teaching such subjects as craft-related mathematics and blueprint reading, persons other than journeymen are considered; teachers with the ability to relate subject matter to job conditions may be used for these subjects.

SECTION IV. APPLICATIONS AND TERM OF APPRENTICESHIP REGISTRATION

All apprentices shall be placed under a written apprenticeship agreement between the employer and the apprentice. Each agreement shall be registered by the USDOL/OA. The term of apprenticeship shall be consistent with training requirements established by USDOL/OA approved standards.

SECTION V. PROBATIONARY PERIOD

A probationary period reasonable in relation to the apprenticeship term, with full credit for such time toward completion of apprenticeship will be established. The apprenticeship agreement may be terminated at the request of either party to the agreement. After the probationary period, the agreement may be canceled only

after adequate cause has been shown, and all parties to the agreement have had an opportunity to be heard.

SECTION VI. WORKING CONDITIONS AND SAFETY

The working conditions and safety afforded an apprentice shall be the same as that of a journeyman in the trade or technical area.

SECTION VII. RELATED INSTRUCTION

The apprentice will be required to attend classes of related theoretical instruction. A minimum of 144 hours per year or as mandated in the standards of apprenticeship. Safety instruction will be included as part of the curriculum provided in the classroom or other organized courses of related instruction. School attendance shall not be considered as hours worked. In accordance with Apprenticeship Standards, an employer may or may not pay apprenticeship wages for related instruction time. Written documentation of the training consisting of time or attendance sheets, student sign-in sheets, or other documentation as approved by the SAO and/or the AACSC will be kept on file by the program sponsor for a period of not less than five (5) years.

SECTION VIII. APPRENTICESHIP AGREEMENT

The Apprentice shall be required to sign an apprenticeship agreement, which shall also be signed by an employer and by the Local Apprenticeship Committee. Every apprentice entering into an apprenticeship agreement shall be given the opportunity of reviewing the standards. The following parties should receive a copy of the completed apprenticeship agreement:

- A. The Apprentice
- B. The Local Apprenticeship Committee
- C. The Employer

The following agency must receive a copy of the agreement:

- USDOL/OA.

SECTION IX. THE ARKANSAS APPRENTICESHIP COORDINATION STEERING COMMITTEE (AACSC)

To conduct business associated with apprenticeship training, the AACSC will be reimbursed travel as per State travel regulations in effect at the time the expense was incurred to attend official scheduled meetings as well as a stipend approved by the State of Arkansas

SECTION X. DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE

The Local Apprenticeship Committee shall adhere to their USDOL/OA Standards of Apprenticeship:

- A. Establish standards and goals for preparatory instruction, supplementary instruction, and related Instruction for apprentices in the program;
- B. Establish, distribute, and enforce rules governing on-the-job training and other instruction for apprentices in the program;
- C. Plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;
- D. Select/Recommend qualified instructors for the program;
- E. Monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;
- F. Establish a selection process that is fair and unbiased, interview candidates, and select those most qualified for entrance into the program;
- G. Provide a system for the keeping of records of the on-the-job training, classroom instruction and testing, and the progress of each apprentice;
- H. Encourage instructors to maintain recommended qualifications; and
- I. Perform any other duties which, in the opinion of the Local Apprenticeship Committee, promote the goals of individual apprentices and of the program as a whole.

SECTION XI. GUIDELINES ON HOW THE SPONSOR INITIATES AN APPRENTICESHIP PROGRAM

An apprenticeship program must be managed by the apprenticeship sponsor. The sponsor may subcontract the management of their program to an LEA for any of the services listed below. The USDOL/OA Standards of Apprenticeship must be followed. The sponsor's responsibilities include:

Establishing the administrative policies governing on-the-job training and other instruction for apprentices in the program;

Establishing standards and goals for preparatory, supplemental and related instruction for apprentices enrolled in the program;

Planning and organizing instructional materials designed to provide the job related instruction to enable the apprentices to demonstrate knowledge and skill

competencies for job related subjects;

Selecting/Recommending qualified instructors for the program;

Interviewing applicants and selecting those most qualified for entrance into the apprentice program.

Monitoring and evaluating the performance and progress of each apprentice in the program and the program as a whole;

Providing for the maintenance of records for each apprentice of their on-the-job training and progress through the related instruction;

Ensuring that the instructors maintain recommended qualifications.

Providing for continual improvement of the program; and

Ensuring that an appropriate Affirmative Action Plan is in place.

Upon Completion of the steps listed above, the following results will have been obtained:

The sponsor will have a program certified and registered by the OA.

The sponsor will have a designated apprentice coordinator.

The sponsor will have OA registered apprentices.

SECTION XII. PROCEDURES FOR START-UP OF TRADITIONAL APPRENTICESHIP TRAINING

A. PROCEDURES FOR APPLICATION:

1. The sponsors will be eligible to apply for apprenticeship funds based on the number of contact hours of related instruction: 160 hours X authorized number of instructors X established rate per hour.
2. The SAO will send a letter along with appropriate forms (Application Packet) following the regularly scheduled AACSC meeting of each year requesting preliminary contact hours and other information to LEAs/program sponsors.
3. No later than the established deadline date, the LEA/sponsor will send their Annual Application Forms to the SAO for the contract period.
4. NOTE: The application with original signatures must be submitted to the SAO. Hand-delivered applications will be accepted between 8 a.m. and 4 p.m., excepting Saturdays, Sundays, and holidays. The date stamp of the

Apprenticeship Office will be used to establish the time of receipt.

5. The SAO in consultation with the AACSC will notify LEA's/sponsors of the contact hour rate based on these estimates.

Programs will be reimbursed at the current contact hour rate in effect at the time the programs are approved for funding by the AACSC. (The current contact hour rate will never exceed a maximum contact hour rate established by the AACSC. Depending on the number of programs and apprentices, the current contact hour rate of funding may be less than the maximum rate established. The AACSC in consultation with the SAO, Arkansas Department of Commerce, Office of Skills Development shall establish the current contact hour rate.)

NOTE: No more than 15% of the state funds may be used by the program sponsor for administrative purposes such as supervisory and/or secretarial salaries, travel, office supplies, etc.

6. The AACSC in coordination with the SAO will review/approve/disapprove all funding requests that are associated with each Class Organization Report (i.e. each Apprenticeship Training Program).
7. Each LEA/sponsor must submit the Attendance/Contract Hour Report (Form WE-APP-237) and the Reimbursement Request form (Form WE-App-236) showing actual student attendance
8. NOTE: The LEA may elect to charge and receive an administrative fee to cover the costs of processing the records of the apprentice and reimbursement requests of the program sponsor. Pursuant to Act 684 of 1989, a public school district and a state postsecondary or higher education institution may charge an administration fee, not to exceed \$25per apprentice per school year.

SECTION XIII. FUNDING AND OTHER INFORMATION

A. RESPONSIBILITIES AND ACTIONS

1. To ensure that all citizens of Arkansas have an equal opportunity to benefit from the apprenticeship training programs, the Department of Commerce, Office of Skills Development shall make every reasonable effort to give statewide notification to potential program sponsors the following information:
 - a. The amount of funds that will be available to support apprenticeship training programs during the current and following fiscal years, and
 - b. Other Information recommended by the AACSC and approved by the Arkansas Department of Commerce, Office of Skills Development.

NOTE: The method of providing the above information will be recommended by the AACSC.

2. On the recommendation and/or coordination with the AACSC, the Arkansas Department of Commerce, Office of Skills Development/State Apprenticeship Office has the responsibility to:
 - a. Adopt formulas and administrative procedures to be used in requesting appropriations of state funds as a budgetary line item for the apprenticeship system.

NOTE: This does not include retroactive reimbursement prior to January 1. Claims for class attendance reimbursement cannot be approved for classes conducted before the Annual Application Form (WE-APP-242) is approved.

NOTE: The percentage of funds appropriated for apprenticeship instruction programs shall be established by the formulas adopted on the recommendation of the AACSC.

3. No funds shall be distributed to an LEA or a program sponsor until the LEA or sponsor has filed all reports required by the AACSC and the Arkansas Department of Commerce, Office of Skills Development.
4. After all paper work and reimbursement requests have been submitted, programs should allow one month for processing.
5. Annual funding for a program will be limited to a maximum of one hundred and sixty hours unless otherwise approved by the AACSC.
6. Each instructor should have no more than 25 apprentices per class.
7. A program may be co-sponsored by an LEA (public school, post-secondary vocational-technical school, technical institute, technical college, community college, or four-year institution of higher education. See "definitions") pursuant to a contract between the district or institution and a Local Apprenticeship Committee and/or sponsor.
8. Pursuant to Act 684 of 1989, a public school district, a state post-secondary/higher education institution may receive an administrative fee to cover the costs of processing the records of the apprentice which shall not exceed \$25 per apprentice per school year.
9. No more than 15% of the state funds may be used by the program sponsor or administrative purposes such as supervisory and/or secretarial salaries, travel, office supplies, etc.

D. USAGE OF FUNDS

1. Payroll costs: May include salaries and fringe benefits for supervisors, a secretary, a clerk and instructors. (Fringe benefits must be in compliance with local policies.) No more than 15% of the state funds may be used by the program sponsor for administrative purposes such as supervisory and/or secretarial salaries, travel, office supplies, etc.
2. Purchased and contracted services: May include rental of instructional space; detailed information is required. Consulting fees are not eligible expenses.
3. Supplies and instructional materials: May include items necessary for the instructional process, such as paper, pencils, workbooks, and consumable construction and industrial materials consumed or used by the apprentice; also, supplies needed to properly administer the program.
4. Other operations expense which may be considered: Funds may be utilized by apprenticeship instructor(s) for travel to and from related instruction inservice or workshops provided by the Arkansas Department of Commerce, Office of Skills Development or the sponsor.

SECTION XIV. GUIDELINES FOR ADMINISTERING AN APPRENTICESHIP PROGRAM

A. GENERAL GUIDELINES: In general, the instruction should:

Reflect the current skill of the occupation for which the apprentice is learning to become competent;

Periodically be up-dated to reflect the changing skills of the occupation;
Be for the occupation for which the apprentice is registered;

Simulate the job environment as much as possible; and

Be of sufficient duration and depth to ensure that the apprentice is able to become fully qualified to perform the tasks of their chosen occupation.

B. SPECIFIC GUIDELINES: The guidelines listed below are more specific and are intended to standardize the administration of the instruction.

The time an apprentice spends in instruction should correspond with the time of their apprenticeship.

The instruction should provide off-the-job skills development.

The instruction is generally made available through unit classes organized by occupation, group study in which two or more occupations are represented in

the class, and/or in-house courses.

The approval to issue credit for previous work experience is the responsibility of the program sponsor.

C. INSTRUCTION: Apprenticeship instruction programs provide the necessary off-the-job learning experiences that help the apprentice become qualified in their chosen apprenticeable occupation. Programs are organized for apprentices by the program sponsor using several formats. The format selection depends on:

The number of apprentices in the occupations,
The needs of the program sponsors, and
The availability of classroom and laboratory facilities.

D. CORRESPONDENCE COURSE: Since there are no contact hours associated with correspondence courses, they do not meet the criteria for state funding.

SECTION XV. APPEALS

Any appeals concerning the above regulations and/or process for Implementing should be addressed to:

Director
Arkansas Department of Commerce, Office of Skills Development
#3 Capitol Mall
Little Rock, AR 72201 – 1083