

SUMMARY OF PROPOSED EMERGENCY REGULATIONS OF THE LABOR STANDARDS DIVISION OF THE ARKANSAS DEPARTMENT OF LABOR

#010.14

Rule 010.14-001 through 010.14-007. These rules are basically an adoption of the Model Rules recommended by the Attorney General. They provide procedures for rule-making, adjudicative hearings, and general public information regarding the organization of the Labor Standards Division.

Rule 010.14-100. This rule states the Director of Labor's regulatory authority with respect to minimum wage and overtime and provides definitions of terms. Rules 010.14-100 through -114 are adopted for the purpose of administering and enforcing the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-210 *et seq.*

Rule 010.14-101. This rule provides information on the federal regulations adopted by reference.

Rule 010.14-102. This rule establishes the records to be kept by employers for compliance purposes and parallels federal regulations under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

Rule 010.14-103 through 105. These rules establish the administrative processes and certifications to obtain approval to pay special sub-minimum wage rates to full-time students, student learners, learners and apprentices and disabled workers. The rules recognize federal certification in order to reduce paperwork requirements, provided that the state minimum wage rate is protected as provided by state law.

Rule 010.14-106. This rule explains state law with respect to the following: 1) employer coverage and exemptions from minimum wage and overtime requirements; 2) employee exemptions from minimum wage and overtime requirements; 3) employee exemptions from overtime only; and 4) the partial overtime exemptions for employees of public agencies.

Rule 010.14-107. This rule establishes requirements for wage payments, including deduction which would bring an employee below the state minimum wage rate. The rule also establishes requirements for utilization of an allowance against minimum wage for board, lodging, apparel or other items and services. The rule also establishes the requirements for utilization of the tip credit by employers of tipped employees.

Rule 010.14-108. This rule establishes requirements for hours worked under state law. The requirements are an adoption of the federal regulations under the federal Fair Labor Standards Act.

Rule 010.14-109. This rule adopts by reference the federal regulations regarding overtime compensation.

Rule 010.14-110. This rule establishes the criteria for the agency to determine when two or more employers are acting as a joint employer with respect to a specific employee(s) for purposes of minimum wage and overtime liability.

Rule 010.14-111. The rule deals with remedial matters and address how the agency will handle employee claims, notices of back wage assessments, assessment of civil money penalties and liquidated damages.

Rule 010.14-112. This rule provides that the agency will use federal precedent as guidance in interpreting its own rules.

Rule 010.14-113 and -114. These rules contain a repealer provision, severability clause, effective date, statement of history, and an emergency clause.