



1961 Diamond Springs Road
Virginia Beach, VA 23455
Phone (757) 460-6308
Fax (757) 460-0317

ARKANSAS EMPLOYEES

MANCON Employees,

Included in this packet is the following information:

1. Chemical Right to Know
2. Minimum Wage
3. Unemployment
4. Workers Compensation

If you have any questions, please contact your supervisor.

Thanks,
Human Resources

ARKANSAS DEPARTMENT OF LABOR
NOTICE
TO EMPLOYER AND EMPLOYEE

Act 556 of 1991 entitled the
PUBLIC EMPLOYEES' CHEMICAL RIGHT TO KNOW ACT

PURPOSE

The purpose of this law is to provide public employees access to training and information concerning hazardous chemicals in order to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

PUBLIC EMPLOYERS' DUTIES

Public employers are responsible for the following as set out by the law:

1. Post adequate notice to inform employees of their rights
2. Ensure proper chemical labeling
 - a. Existing labels on containers of hazardous chemicals are not to be removed
 - b. If a chemical is transferred to another container, it must also be labeled with the name and appropriate warnings, as provided in this law
 - c. A public employer is not required to label chemicals that have been transferred to a portable container by an employee when that employee is going to immediately use the chemical.
3. Maintain and make material safety data sheets available
 - a. Chemical manufacturers and distributors must provide public employers with the appropriate MSDSs within the prescribed times
 - b. Public employers must maintain current copies of each MSDS and have them available to employees and their designated representatives upon request within the prescribed time
 - c. The employer must not require an employee to work with a chemical until a MSDS can be furnished except as indicated by this law
 - d. An employee who declines to work with a chemical may not be penalized
 - e. Public employers shall provide a copy of MSDSs to the Director of Labor upon request
4. Compile and maintain a workplace chemical list for hazardous chemicals used, generated, or stored in amounts of 55 gallons or 500 pounds or more
 - a. The Workplace Chemical List must show the chemical or common name used on the MSDS and/or the container label, the Chemical Abstracts Service Number and the work area where it will normally be used, generated, or stored
 - b. Chemical lists shall be filed with the Director of Labor no later than October 14, 1991, updated when necessary, and refiled July 1 of each year
5. Provide employees with information and training
 - a. The Director of Labor is responsible for maintaining a general information and training assistance program to aid public employers
 - b. Additional training must be provided when a new hazard is introduced, when new information is received, or before new employees are assigned to a job
 - c. Information and training programs must meet the requirements specified in the law and in the regulations of the Director of Labor.
 - d. Information and training programs must be developed by January 15, 1992, and initial information and training must be provided prior to July 15, 1992. Employers must keep a record of the dates of training sessions given to their employees.

- e. The Director of Labor's rules and regulations concerning refresher training and training exemptions must be followed
6. Handle trade secrets in accordance with provisions set out in the law
 - a. The Director of Labor can request data substantiating a trade secret claim when asked to by an employee, designated representative, or public employer
 - b. All information will be kept confidential

PUBLIC EMPLOYEES' RIGHTS

Public employees who may be exposed to hazardous chemicals must be informed and shall have access to the Workplace Chemical List, MSDSs for the chemicals on the list, and information and training as provided in this act.

A public employee cannot be disciplined, discharged or discriminated against for requesting information, filing a complaint, assisting an inspector of the Department of Labor, causing any complaint or proceeding to be instituted, testifying in any proceeding, or exercising any right afforded by this law.

Any waiver of the benefits or requirement of this law are a violation and are therefore null and void.

COMPLAINTS AND INVESTIGATIONS

The Director of the Department of Labor will investigate written and oral complaints from public employees concerning violations of this law. The Director or his designated representative has the authority to enter the workplace and conduct a thorough investigation of the complaint as specified by this law.

ENFORCEMENT

If the Director of Labor finds a public employer in violation of this law, he shall issue an order to cease and desist the act or omission constituting the violation.

If the Director of Labor finds that a public employer has failed to provide the required information and training by the prescribed time, he may conduct the program and charge the employer for the costs incurred.

Violation of this act shall be cause for adverse personnel action against the responsible supervisor as set out in this act.

CAUSE OF ACTION - ATTORNEY FEES

Any citizen denied their rights under this law may commence civil action in circuit court and the court shall hear the petition within seven days.

The court shall have the jurisdiction to restrain violations of this act and to order all appropriate relief. Those who refuse to comply with these orders will be in contempt of court.

Attorney fees and court costs will be assessed to the defendant and plaintiff as set out by the law.

NO EFFECT ON OTHER LEGAL DUTIES

The provision of information to a public employee does not affect the liability of the employer with regard to the health and safety of the employee, or the employer's responsibility to prevent the occurrence of occupational disease.

The provision of information to an employee also does not affect any other duty or responsibility of a chemical manufacturer or distributor to warn users of a hazardous chemical.

ARKANSAS DEPARTMENT OF LABOR
10421 WEST MARKHAM
LITTLE ROCK, ARKANSAS 72205
PH. (501) 682-4500

EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE

ARKANSAS DEPARTMENT OF LABOR

NOTICE to employer & employee

MINIMUM WAGE

All employees covered by Arkansas Code 11-4-202 to 11-4-219 must be paid a minimum wage of at least:

- \$5.15 an hour effective October 1, 1997 with an allowance for gratuities not to exceed 50% of the minimum wage.
- \$6.25 an hour effective October 1, 2006 with an allowance for gratuities not to exceed \$3.62 per hour.

COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more persons.

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 laborers.
- *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 weeks that school is in session or forty (40) hours during weeks when school is not in session, such rate of wage shall be equal to not less than eighty-five (85%) of the applicable minimum wage provided a Student Certificate of Eligibility is obtained from the Arkansas Department of Labor. Student workers subject to the 85% provision of the applicable minimum wage rate and a gratuity allowance shall not be paid less than the base wage guaranteed any other employee subject to a gratuity allowance.

HANDICAPPED WORKERS

The Director has established procedures for employment of these workers. For further information contact the Department of Labor.

STUDENT-LEARNERS

A "Student-Learner" is a person who is receiving regular instructions in an accredited school and who is employed on a part-time basis in a bona fide 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 hourly 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.

WORKWEEK

A workweek is a regularly 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 written or sworn statements from an employer about his employees' earnings and hours of work.
- (c) enforce all regulations issued 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 employee's benefit may be made if authorized in writing by the employee.

KEEPING OF RECORDS

All employers 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 allowances and must maintain records which will substantiate the amount of tips actually received by the employee or the employer's reasonable cost in supplying items or services to the employee.

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 services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex. Every employer shall keep and maintain records of the salaries and wage rates, 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 it 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 such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to these statutes, or because such employee has testified or is about to testify in any such proceeding 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 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 law by instituting legal action 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 wages, including overtime wages, to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before bringing 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.

CHILD LABOR

State law regulates the employment of minors under the age of 18 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, or batboys of professional baseball clubs, or sports referees.

Special provisions govern the employment of children in the entertainment industry, otherwise, children who are 14 and 15 years of age may not work:

- *More than 8 hours a day.
- *More than 6 days a week.
- *More than 48 hours a week.
- *Before 6:00 a.m. nor after 7:00 p.m. except on nights preceding non-school days, such children may work until 9:00 p.m.

Children under 14 may not be employed except 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 and 17 years of age may not work:

- *More than 10 consecutive hours in any one day; no more than ten 10 hours in a twenty-four hour period.

- *More than 6 days a week.
- *More than 54 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 and 17 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. Provided, however, that no boy or girl between the ages of 16 and 18 shall be subject to the provisions of this Act if:

- (a) such boy or girl is a graduate of any high school, vocational school or technical school;
- (b) such boy or girl is married or is a parent.

Act 647 of 1987 allows for the employment of children in the entertainment industry provided the child is issued an Entertainment Work Permit by the Director of Labor. Child labor violations result in a civil money penalty of not less than \$50.00 and not more than \$1,000.00 for each violation.

IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, TELEPHONE 682-4505.

WAGE COLLECTION ACT

The Wage Collection Act provides assistance to any employee in the collection of wages due him or her for work performed. Work performed shall include all or any work or service performed by any person employed for any period of time where the wages or salary or remunerations for such work or services are to be paid at stated intervals or at the termination of such employment, or for physical work actually performed by an independent contractor, provided that the amount in controversy does not exceed the sum of two thousand dollars (\$2,000.00). Employees who need help in collecting wages due them should contact the Arkansas Labor Department. Telephone 682-4510.

THIS POSTER CONTAINS ONLY A SUMMARY

Copies of the complete laws and regulations are available from the Department of Labor.

ARKANSAS DEPARTMENT OF LABOR
10421 WEST MARKHAM STREET
LITTLE ROCK, ARKANSAS 72205
PHONE (501) 682-4500
FAX (501) 682-4506
TDD (800) 285-1131

**NOTICE TO EMPLOYEES
HOW TO CLAIM UNEMPLOYMENT
INSURANCE**

**STATE OF ARKANSAS
EMPLOYMENT SECURITY DEPARTMENT**

Employees of MANCON

are covered by the Arkansas Employment Security Law.

The Law provides Unemployment Insurance Benefits for unemployed workers and under certain conditions, for those working only part time.

As a covered Employee, your employer has contributed to or will reimburse the Arkansas Unemployment Trust Fund from which benefits are paid. **NO DEDUCTIONS CAN BE MADE FROM YOUR WAGES FOR THIS PURPOSE.** Be sure your employer has your correct Social Security Account Number.

- A. If and when you know you are going to be out of work for a calendar week or more, **YOU SHOULD PROMPTLY:**

File a claim for benefits through the Local Employment Security Office nearest you.

We will try to help locate work for you both before benefit payments start and while they are being paid.

- B. If you are attached to a regular employer, working less than full time due entirely to lack of work, you may be eligible for partial Unemployment Insurance Benefits.

In that case, claim partial benefits—**promptly**—by reporting the facts (*dates, wages, employer*) to your Local Office. **Do not delay doing this.**

Our Local Office will answer questions and supply further information.

Full time Local Offices are situated in the following cities to provide services to Unemployment Insurance Claimants:

**Arkadelphia
Batesville
Benton
Blytheville
Camden
Conway
El Dorado
Fayetteville
Forrest City
Fort Smith
Harrison**

**Helena
Hope
Hot Springs
Jacksonville
Jonesboro
Little Rock Midtown
Magnolia
Malvern
Mena
Monticello
Mountain Home**

**Newport
Paragould
Pine Bluff
Rogers
Russellville
Searcy
Texarkana
Walnut Ridge
West Memphis**

CAUTION: False statements to obtain benefits, concealment of material facts, or failure to report earnings for the purpose of obtaining or increasing Unemployment Insurance Payments, are violations of criminal laws and lead to prosecution.

Form AR-P	ARKANSAS WORKERS' COMPENSATION COMMISSION	P
Ark. Code Ann. §11-9-403, 407 AWCC Rule7 Updated: 04-15-02	324 Spring Street, Little Rock, AR 72201 Mail: P. O. Box 950, Little Rock, AR 72203-0950 Little Rock Office - 1-800-622-4472 / 501-682-3930 Ft. Smith Office - 1-800-354-2711 / 479-783-7970 Springdale Office - 1-800-852-5376 / 479-751-2790	

WORKERS' COMPENSATION INSTRUCTIONS TO EMPLOYERS AND EMPLOYEES

All employees of this establishment entitled to benefits under the provisions of the Arkansas workers' compensation laws are hereby notified that their employer has secured the payment of such compensation as may at any time be due employees or their dependents. This employer is required by state law to provide workers' compensation coverage or this employer has waived the exclusion or exemption from the operation of the workers' compensation laws, and the employer certifies by the display of this poster that workers' compensation coverage is now provided by a workers' compensation insurance policy or by enrollment in the Arkansas Self-Insurance Program or by the Public Employee Claims Division of the Arkansas Insurance Department.

Insurer: Wausau Business Insurance Company
Address: 2100 Walnut Hill Lane, Suite 100
Irving, TX 75038
Phone: 800-634-1955

Policy Expiration Date: 10/01/2011

IN CASE OF JOB-RELATED INJURIES OR OCCUPATIONAL DISEASES

The Employer Shall:

1. Provide all necessary medical, surgical and hospital treatment, as required by law, following the injury and for such additional time as ordered by the Workers' Compensation Commission.
2. Provide compensation payments in accordance with the provisions of the law. The first installment of compensation becomes due on the 15th day after the employer has notice of the injury or death, except in those cases where liability has been denied by the employer.
3. Provide prompt reporting of accidents to appropriate parties.
4. Keep a record of all injuries received by its employees.

The Employee Shall:

The employee shall report the injury to the employer on Form N and to a person or at a place specified by the employer, unless the injury either renders the employee physically or mentally unable to do so, or the injury is made known to the employer immediately after it occurs. The employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's notice of injury. All reporting procedures specified by the employer must be reasonable and shall afford each employee reasonable notice of the reporting requirements. The foregoing shall not apply when an employee requires emergency medical treatment outside the employer's normal business hours; however, in that event, the employee shall cause a report of the injury to be made to the employer on the employer's next regular business day.

Failure to give such notice shall not bar any claim (1) if the employer had knowledge of the injury or death, (2) if the employee had no knowledge that the condition or disease arose out of and in the course of employment, or (3) if the Commission excuses such failure on the grounds that for some satisfactory reason such notice could not be given. Objection to failure to give notice must be made at or before the first hearing on the claim.

Statutory Information:

Ark. Code Ann. § 11-9-514(b) states: "Treatment or services furnished or prescribed by any physician other than the ones selected according to the foregoing, except emergency treatment, shall be at the claimant's expense."

Ark. Code Ann. § 11-9-514(f), however, indicates: When compensability is controverted, subsection (b) shall not apply if:

- (1) The employee requests medical assistance in writing prior to seeking the same as a result of an alleged compensable injury; and
- (2) The employer refuses to refer the employee to a medical provider within forty-eight (48) hours after such written request as provided above; and
- (3) The alleged injury is later found to be a compensable injury; and
- (4) The employer has not made a previous offer of medical treatment.

If you have any questions regarding your rights under the Arkansas workers' compensation laws, you may call an Arkansas Workers' Compensation Commission legal advisor at our toll-free number listed above.

All employers who come within the operation of the Arkansas workers' compensation laws and have complied with its provisions must post this notice in a **CONSPICUOUS** place in or about their place or places of business.

AWCC Form P
(Posting Notice)

A posting notice is mentioned in **Ark. Code Ann. §11-9-403**, **Ark. Code Ann. §11-9-407** and **AWCC Rule 7**. **AWCC Form P** satisfies all requirements.

Form P:

1. Is to be on display in a conspicuous place;
2. Tells employers what to do when an employee is injured;
3. Instructs employees to notify the employer immediately (or no later than the close of the next business day) when injured;
4. Lists the claims office that will be handling the insurance aspects of the case;
5. Gives the claims office telephone number;
6. Announces the expiration date of the insurance policy; and
7. Provides telephone numbers for Arkansas Workers' Compensation Commission legal advisors if either party needs assistance.

Employers without **Form P** may lose the use of **Form N** as a defense in litigation. Employees disobeying instructions on **Form P** may delay their benefits or jeopardize the awarding of any benefits in a contested case.

The AWCC furnishes samples, not supplies, of **Form P**. Carriers are to send their insureds an adequate number, and self-insureds must arrange with a printer for the supply they need. Carriers and employers may enlarge **Form P** for posting purposes.

Information about Form P is available from the Support Services Division (1-800-622-4472 or 501-682-3930).

Ark. Code Ann. §11-9-106(a): "Any person or entity who willfully and knowingly makes any material false statement or representation, who willfully and knowingly omits or conceals any material information, or who willfully and knowingly employs any device, scheme, or artifice for the purpose of: obtaining any benefit or payment; defeating or wrongfully increasing or wrongfully decreasing any claim for benefit or payment; or obtaining or avoiding workers' compensation coverage or avoiding payment of the proper insurance premium, or who aids and abets for any of said purposes, under this chapter shall be guilty of a Class D felony. Fifty percent (50%) of any criminal fine imposed and collected under ... this section shall be paid and allocated in accordance with applicable law to the Death and Permanent Total Disability Trust Fund administered by the Workers' Compensation Commission."