

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/6/15 H3/16/15
A Bill

HOUSE BILL 1277

By: Representative Leding

For An Act To Be Entitled

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

Subtitle

TO CREATE THE RIGHT TO WAGES EARNED ACT.

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

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

(a)(1) ~~Whenever any railroad company or corporation or any receiver operating any railroad engaged in the business of operating or constructing any railroad or railroad bridge shall discharge~~ When an employer discharges, with or without cause, or ~~refuse~~ refuses to further employ any servant or employee ~~thereof~~, the unpaid wages of the servant or employee then earned at the contract rate, without abatement or deduction, ~~shall be and become~~ are due and payable on the day of next payment day of the employer's existing pay schedule after the discharge or refusal to longer employ further employ.

(2)(A) ~~Any servant or employee may request of his or her foreman or the keeper of his or her time to have the money due him or her, or a valid check therefor, sent to any station where a regular agent is kept. If the money or a valid check therefor does not reach the station~~ If the wages due under subdivision (a)(1) of this section are not paid or tendered within seven (7) days from on the next payment day of the employer's existing pay schedule after the date it is so requested of the discharge or refusal to further employ, then, as a penalty for the nonpayment, the wages of the servant or employee shall continue from the date of the discharge or refusal



to further employ at the same rate until paid.

(B) However, the wages shall not continue more than sixty (60) days unless an action therefor shall be for the continuation of the wages is commenced within that time.

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

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

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

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

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

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

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

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

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

or her claim.

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

/s/Leding