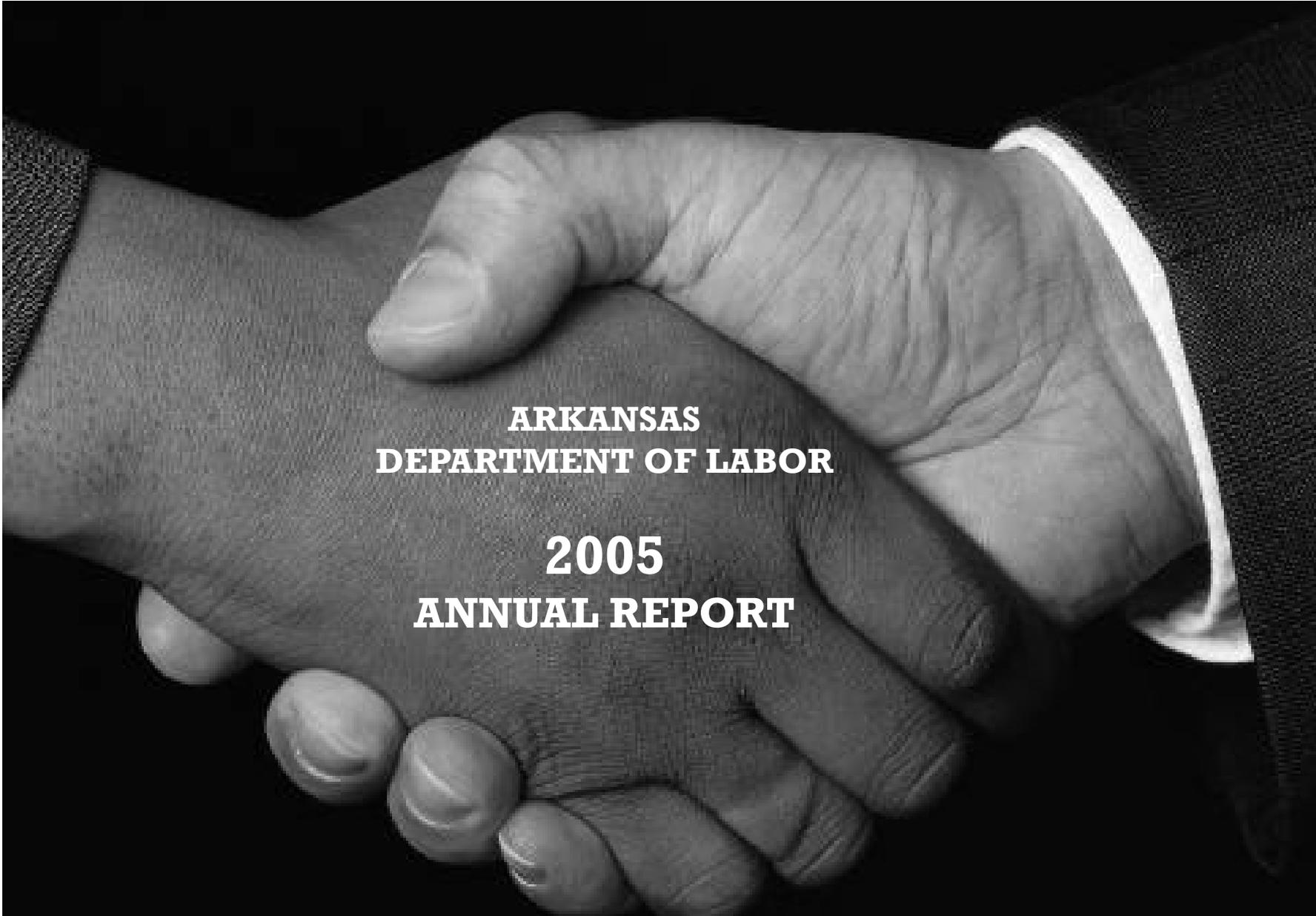




**ARKANSAS  
DEPARTMENT OF LABOR  
2005 ANNUAL REPORT**







**ARKANSAS  
DEPARTMENT OF LABOR**

**2005  
ANNUAL REPORT**



**Mike Huckabee**  
*Governor*  
*State of Arkansas*



**James L. Salkeld**  
*Director*  
*Arkansas Department of Labor*

The Honorable Mike Huckabee  
Governor, State of Arkansas  
State Capitol Building  
Little Rock, Arkansas 72201

Dear Governor Huckabee:

It has been such a privilege to serve as Director of Labor under your administration, and I am delighted to present the Arkansas Department of Labor's Annual Report highlighting the activities of the agency for the fiscal year ending June 30, 2005.

One of the greatest pleasures of my job is to travel the state and personally commend the employers and employees who are reaching unprecedented levels of workplace safety. Each year we are recognizing more and more Arkansas companies through our Safety Award Program, and we take pride in knowing part of that success is because of the growing number of companies taking advantage of the consultation and training services provided by this agency.

We are also proud of our agency's continuing efforts to enhance its information systems and on-line services. Our participation in several state workgroups involved in developing and implementing security standards, records retention schedules and disaster recovery plans has better prepared us for acquiring standardization of equipment and applications as well as for expedient response to requests for services and emergency situations.

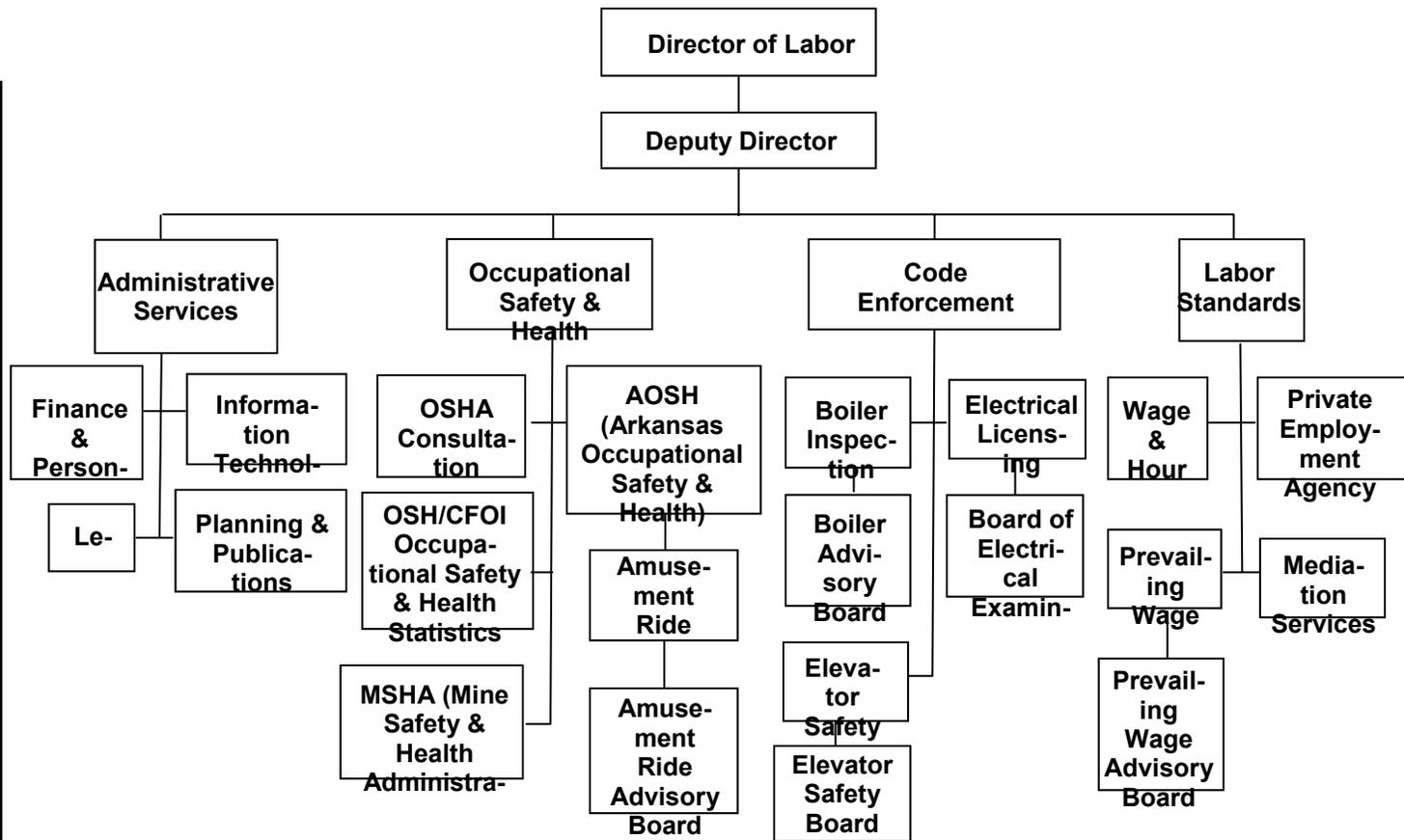
We deeply appreciate your support of the agency's programs and feel it has enabled us to provide quality service to Arkansas' workforce.

Sincerely,



James L. Salkeld  
Director

# Organizational Chart



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## Occupational Safety And Health

The Occupational Safety and Health Division is the largest section within the Department of Labor and is responsible for enforcing and promoting worker safety in Arkansas. This is accomplished in a number of ways including:

- Conducting complaint, accident and fatality investigations in the public sector.
- Making routine inspections of publicly owned workplaces.
- Providing free safety consultation services to Arkansas businesses and mines.
- Inspecting amusement rides to assure the safety of visitors and workers.
- Providing thousands of hours of training classes on key safety and health issues in order to better equip Arkansas' workforce against occupational hazards. These classes are held at the employer's work site, as well as at the Arkansas Department of Labor building in Little Rock. Additionally, 14 regional seminars were held across the state during the fiscal year.
- Providing informational services for persons needing assistance on safety and health issues. This is done by one-on-one office visits, public speaking engagements, and publications.
- Presenting safety awards to businesses and individuals who excel in promoting safety and health and meet specific guidelines.

- Conducting annual surveys of workplace fatalities, injuries and illnesses in the state.

The Division has highly trained field employees across the state available to assist employers in a variety of ways. These employees are supported by an office staff of clerical workers and supervisors who understand health and safety issues and can provide technical assistance on a wide variety of safety issues.

### Safety Awards

One service provided by the Occupational Safety and Health Division is the recognition of people and companies who have made outstanding strides in the field of safety. This is done by presenting several types of safety awards:

- Million Work Hour Awards
- Safety Awards of Merit
- Accumulative Years Safety Awards
- Meritorious Service Awards.

The Million Work Hour Awards are presented to companies whose employees have accumulated a million work hours without a lost day away from work due to a work related injury or illness. Similar awards are available to mining industries and state, county and municipal employees.

The Safety Award of Merit is presented to employers that have worked without a lost time injury according to the following criteria:

- Must have an effective safety and health program, and



*Whirlpool Corporation in Fort Smith was the recipient of the first Eleven Million Work Hours Safety Award presented by the Department of Labor.*

- Must have one or more employees and have worked three or more years or accumulated at least 500,000 work hours without a lost time injury.

The Accumulative Years Service Award is designed for small employers that work years without a lost day away from work, but are unable to reach the Million Work Hour Award.

Meritorious Service Awards are given to Arkansas citizens who have either recognized an immediately dangerous situation and eliminated the potentially hazardous condition, or attempted to save or did save another person's life. The Meritorious Service Awards Committee requires that recipients be nominated by another person for their efforts and then screened by the committee.

The following industries were recipients of safety awards from the Occupational Safety and Health Division during the 2004-05 fiscal year:

**ELEVEN MILLION WORK HOURS SAFETY AWARD**

Whirlpool Corporation, Fort Smith, July 2004

**NINE MILLION WORK HOURS SAFETY AWARD**

Cargill Value Added Meats, Springdale, May 2005

**EIGHT MILLION WORK HOURS SAFETY AWARD**

Cargill Meat Solutions, Springdale, February 2005

**SEVEN MILLION WORK HOURS SAFETY AWARD**

Cargill Value Added Meats, Springdale, September 2004

Wal-Mart Distribution Center #6008, Bentonville, February 2005

**SIX MILLION WORK HOURS SAFETY AWARD**

Washington Demilitarization Company, Pine Bluff, June 2005

Tyson Foods, Inc., Springdale, June 2005

**FIVE MILLION WORK HOURS SAFETY AWARD**

Washington Demilitarization Company, Pine Bluff, January 2005

Maybelline New York-Garnier, North Little Rock, February 2005

ConAgra Foods, Batesville, March 2005

**FOUR MILLION WORK HOURS SAFETY AWARD**

Pilgrims Pride El Dorado Complex, El Dorado, May 2005

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**THREE MILLION WORK HOURS SAFETY AWARD**

Remington Arms, Lonoke, July 2004  
Gates Corporation, Siloam Springs, September 2004  
Pilgrims Pride, El Dorado, February 2005  
Scroll Technologies, Arkadelphia, June 2005

**TWO MILLION WORK HOURS SAFETY AWARD**

Lockheed Martin Missiles & Fire Control Dallas-Camden Operations, July 2004  
Scroll Technologies, Arkadelphia, August 2004  
Wal-Mart Jewelry Warehouse, Bentonville, August 2004  
Wal-Mart Distribution Center #6007, Fort Smith, September 2004  
American Greeting Corporation, Osceola, March 2005  
Southern Star Concrete, North Little Rock, March 2005  
L'Oreal, North Little Rock, May 2005  
Maverick Tube L.P., Armored, June 2005

**ONE MILLION WORK HOURS SAFETY AWARD**

Eastman Chemical Company, Batesville, September 2004  
Tyson Foods Dardanelle Processing Plant, Dardanelle, September 2004  
Wal-Mart PMDC, Bentonville, October 2004  
Danaher Tool Group, Springdale, October 2004  
Georgia Pacific, Fordyce, October 2004  
Raytheon Aircraft, Little Rock, December 2004  
Tyson Foods, Inc., Van Buren, January 2005  
Rockline Industries, Springdale, February 2005  
Albemarle Corporation, Magnolia, February 2005  
Smurfit-Stone, Jonesboro, March 2005  
Wal-Mart Sizing & Repair Center #9053, Bentonville, March 2005  
Gerber Products Company, Fort Smith, April 2005  
Wal-Mart Distribution Center #6018, Searcy, May 2005  
Wal-Mart Distribution Center #6094, Bentonville, May 2005  
Saint-Gobain Proppants, Fort Smith, June 2005  
CYRO Industries, Osceola, June 2005

**SAFETY AWARD OF MERIT**

Raytheon Aircraft, Little Rock, October 2004

**ACCUMULATIVE YEARS SAFETY AWARD**

Ashley Lighting Inc., Trumann, 1 year, July 2004  
Russellville Distribution Center, Tyson Foods, Russellville, 1 year, August 2004  
Wal-Mart Pharmacy Warehouse, Bentonville, 14 years, August 2004  
Advanced Environmental Recycling Technologies, Inc., Springdale, 3 years, August 2004  
Sun Gro Horticulture, Pine Bluff, 4 years, August 2004  
Kaneb Pipeline Company, Franklin Pump Station, 10 years, August 2004  
Kaneb Pipeline Company, Pine Bluff Pump Station, 10 years, August 2004  
Kaneb Pipeline Company, Floral Pump Station, 10 years, August 2004  
Electrolux Home Products, Nashville, 2 years, September 2004  
Tyson Foods Waldron Hatchery, Waldron, 2 years, September 2004  
Superior Maid, Russellville, 1 year, September 2004  
Arkansas Department of Human Services, 1600 Liberty Circle, Jonesboro, 1 year, October 2004  
Arkansas Department of Human Services, 1200 Liberty Circle, Jonesboro, 2 years, October 2004  
Jeffrey Sand Company, North Little Rock, 5 years, October 2004  
AmeriCold Logistics, Russellville Valley, 1 year, October 2004  
AmeriCold Logistics, Russellville El Mira, 1 year, October 2004  
Tyson Valley Maintenance Center, Russellville, 10 years, December 2004  
Barloworld Truck Center, Jonesboro, 2 years, January 2005  
Rineco, Benton, 1 year, January 2005  
Smurfit-Stone Containers, Fort Smith, 2 years, January 2005

### SAFETY AWARDS PRESENTED FROM JULY 1976—JUNE 2005

Fiscal Year	Accum. Year	Merit	1 Mil.	2 Mil.	3 Mil.	4 Mil.	5 Mil.	6 Mil.	7 Mil.	8 Mil.	9 Mil.	10 Mil.	11 Mil.
76-90		113	106	22	8	8	1						
90-91		9	2	2			1						
91-92		11	10										
92-93		3	8										
93-94		9	12	2	1	1	2						
94-95	3	26	17	5	1	1		1					
95-96	22	10	24	6	1	2	2						
96-97	33	11	31	10	8	1	1						
97-98	41	5	21	9	5	4	3						
98-99	34	7	24	8	2	2	2	3	1				
99-00	32	4	24	8	2	1	1	1	2	1			
00-01	34	2	11	8	7	3	1		1	1	1		
01-02	30	4	18	6	3	5	2				1	1	
02-03	41	2	14	6	1	2	2	1		1			
03-04	42	1	9	7	4	4	4	3	2	1	1	1	
04-05	36	1	16	7	4	1	3	2	2	1	1		1
<b>TOTL</b>	<b>348</b>	<b>218</b>	<b>347</b>	<b>106</b>	<b>47</b>	<b>28</b>	<b>25</b>	<b>11</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>1</b>

Tyson Foods—Morrilton Hatchery, 21 years, February 2005  
 El-Dorado Laminating Plant, El Dorado, 2 years, March 2005  
 Spencer-Harris of Arkansas, Magnolia, 3 years, March 2005

Performance Contractors, West Memphis, 5 years, March 2005  
 Saint-Gobain, Bryant, 1 year, March 2005  
 Tyson Foods Inc., Waldron Truck Shop, 3 years, March 2005

Tyson Foods, Inc., Waldron Catch Crew, 1 year,  
 March 2005  
 Jan-Eze Plating, Inc., Nashville, 1 year, March 2005  
 Ashley Lighting, Trumann, 2 years, March 2005  
 Potlatch Resource Management Division, Warren, 1  
 year, April 2005  
 River Valley Hatchery, Russellville, 2 years, April  
 2005  
 Wayne Farm LLC, Danville, 5 years, April 2005  
 Arkansas State Plant Board, Little Rock, 9 years,  
 May 2005  
 Arkansas State Plant Board, Bureau of Standards,  
 Little Rock, 1 year, May 2005  
 Phelps Dodge Magnet Wire, Bentonville, 4 years,  
 June 2005  
 An-Pro, Russellville, 5 years, June 2005

**MERITORIOUS SERVICE AWARDS**

Richard Turney, Kevin McSwain, David Hodges,  
 Producers Rice Mill, November 2004



*Judy Harwell handles registration for all the Preventing Occupational Injuries and Illnesses seminars across the state.*

**Statewide Safety Seminars**

The Arkansas Department of Labor, the U.S. Department of Labor and the Arkansas Workers' Compensation Commission presented 14 well-attended safety conferences across the state, sometimes with additional sponsorship from local

safety associations. Preventing Occupational Injuries and Illnesses seminars were held in Jonesboro, Little Rock, Crossett, Fort Smith, Russellville, El Dorado, Springdale, Ashdown, Batesville, Pine Bluff, Hope, Bentonville, Monticello, and West Memphis during this fiscal year and a record 1,713 participants attended.

The seminars are designed for hourly employees, supervisors, and people on safety committees. This emphasis on reaching the hourly worker is what makes the conferences stand out from all the other types of training offered around the state. Of course, personnel managers, engineers, maintenance workers, and plant managers are also welcome to attend.

The conferences each last one day, with four or

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more subjects discussed at each location. Subjects include the following: safety and health hazard recognition, personal protective equipment, effective safety committees, sprains and strains, violence in the workplace, means of egress, ergonomics, behavioral safety, slips, trips and falls, and more.

The Arkansas Department of Labor, the federal OSHA Area Office, various associations, and other groups entered into a safety alliance this year that is focusing on safety training for employers and teens in grades 9-12 who work in fast food establishments and grocery stores. In addition to state and federal OSHA, other members of the Alliance include: Arkansas Society of Safety Engineers, Northwest Arkansas Chapter of Human Resource Management, Black River Vocational Technical College, Arkansas Voluntary Protection Program, World Safety Organization, South East Arkansas Resources and Safety Committee, River City Safety and Environmental Council, Southeast Arkansas Technical College and Northwest Arkansas Safety Council. Their Teen Safety booth was displayed at every Preventing Occupational Injuries and Illnesses Conference, as well as, different companies, events, and malls across the state. Various training materials on Teen Safety in general, including a promotional film, were developed and are available free of charge by contacting Juanita Matlock at 501-682-9090.

The Division also held a number of specially designed seminars across the state during this fiscal year in order to address safety and health issues that are of major concern today. These seminars dealt with issues that have proven to be particularly hazardous, or needs that the industrial community has expressed. Topics included How To Develop A Safety Program, Hazard

Communication, Lockout/Tagout, General Safety and more.

## Film and Video Library

The Occupational Safety and Health Division of the Arkansas Department of Labor houses two film



*Nita Matlock operates the Film and Video Library at the Little Rock Office and will offer assistance with the latest safety films on the market.*

**FILM AND VIDEO LIBRARY USAGE  
2004-2005 Fiscal Year**

	# Videos	# Companies
<b>Little Rock</b>		
<b>Private Sector</b>	901	392
<b>Public Sector</b>	525	211
<b>Total</b>	1,426	603
<b>Black River</b>		
<b>Private Sector</b>	12	5
<b>Public Sector</b>	21	9
<b>Total</b>	33	14
<b>TOTAL</b>	<b>1,459</b>	<b>617</b>

libraries and media centers that are co-sponsored by the Arkansas Department of Labor, and the Arkansas Workers' Compensation Commission. The original and most extensive library is at our Little Rock office. Another is located at Black River Technical College's satellite campus in Paragould.

The libraries contain films, videos, and slide cassettes on safety related topics. These are available to companies and individuals to borrow for training sessions and safety committee meetings. There is no charge. New films and videos are added throughout the year.

To borrow a video or a film, the requesting party must either submit a letter asking for the material, complete the form on our web page, fax a request form, or come by the Safety Division and sign a loan form.

For more information on borrowing audiovisual aids, contact Juanita Matlock at (501) 682-9090 or Fax (501)682-4532, or e-mail [juanita.matlock@arkansas.gov](mailto:juanita.matlock@arkansas.gov)

**OSHA Consultation**

The OSHA Consultation Section employs six safety consultants, four industrial hygienists and supervisors whose goal is to assist employers in complying with federal OSHA requirements. They cover the entire state and are capable of adapting to the wide range of industries therein.

Consultants work only with industries and employers who request their help. Preference is given to small, high hazard businesses. They conduct either a limited or comprehensive safety and health survey, whichever the employer has requested. The consultant also conducts any tests that are required, such as air sampling or checking electrical continuity. Upon completion of the survey and applicable tests, a written report is processed and sent to the employer. The employer is then required to correct all serious hazards found by the consultant and notify the division when the corrections have been made.

Small employers (companies with up to 250 employees on site and no more than 500 at all sites corporation-wide) who have exemplary safety and health management systems, may qualify to be placed on the federal recognition and exemption program called SHARP (Safety and Health Achievement Recognition Program). In this program, the employer is removed from OSHA's programmed inspection schedule for one to two

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years. Establishments meeting the requirements to become a SHARP site for the first time, may receive a special certificate from federal OSHA, a plaque, and a SHARP banner or flag to recognize their outstanding safety and health program. Companies achieving SHARP after the first time receive an exemption from OSHA's general programmed inspections for up to two years, and may receive a special certificate from federal OSHA. (On a case by case basis, consideration to participate in SHARP could be given to facilities not meeting the size limitations with the Project Manager's approval.)

The division also offers training and education on items found to be deficient during the survey. Consultants can tailor classes to fit the particular needs of the company.

OSHA consultants have a wealth of handout

material for employers on various health and safety issues. This section has training brochures and guides covering areas such as employee noise training, working in hot environments, hazard communication and personal protective equipment. Other OSHA published handouts are also available on topics such as construction safety, wire rope inspections, changing split rim tires, and OSHA recordkeeping.

The OSHA Consultation Section also can research safety related issues by means of a national computer network that can provide updated information on chemicals, processes, and government regulations. An abundance of information can also be found on the OSHA website [www.osha.gov](http://www.osha.gov)

For more information on services described above, please call (501) 682-4523 or Clark E.



*Vintage Veranda Inc. in Marion was honored for earning their SHARP recognition in August 2004.*

**OSHA CONSULTATION ACTIVITY REPORT  
Fiscal Year July 2004-June 2005**

<b>Total Companies Assisted</b>	<b>551</b>
<b>Total Employees Affected</b>	<b>63,956</b>
<b>Initial Visits</b>	
Safety Consultant Visits	441
Health Consultant Visits	<u>154</u>
<b>Total</b>	<b>595</b>
<b>Training and Assistance Visits</b>	
Safety Consultant Visits	38
Health Consultant Visits	<u>33</u>
<b>Total</b>	<b>71</b>
<b>Follow-up Visits</b>	
Safety Consultant Visits	33
Health Consultant Visits	<u>43</u>
<b>Total</b>	<b>76</b>
<b>Total Safety Visits</b>	<b>512</b>
<b>Total Health Visits</b>	<b>230</b>
<b>Grand Total Visits</b>	<b>742</b>
<b>HAZARDS IDENTIFIED</b>	
<b>Serious Hazards</b>	
Safety Hazards Identified	2,829
Health Hazards Identified	<u>471</u>
<b>Total</b>	<b>3,300</b>
<b>Other-Than-Serious Hazards</b>	
Safety Hazards Identified	807
Health Hazards Identified	<u>86</u>
<b>Total</b>	<b>893</b>
<b>Regulatory Hazards</b>	
Safety Hazards Identified	121
Health Hazards Identified	<u>18</u>
<b>Total</b>	<b>139</b>
<b>Total Safety Hazards Identified</b>	<b>3,757</b>
<b>Total Health Hazards Identified</b>	<b><u>575</u></b>
<b>Grand Total Hazards Identified</b>	<b>4,332</b>

Thomas (501) 682-4522 or e-mail  
thomas.clark@dol.gov

**AOSH (Arkansas  
Occupational Safety  
and Health)**

AOSH is an acronym for Arkansas Occupational Safety and Health. This section is responsible for administering Arkansas's laws dealing with safety and health. AOSH investigates complaints, accidents, and fatalities in public sector workplaces and checks for violations of Arkansas safety and health regulations.

Employees from the public sector can call in complaints to the AOSH section, and in many cases, an inspector will visit the worksite. AOSH also conducts routine inspections of public schools, colleges, universities and state agencies free of charge.

The AOSH Section comprises both safety inspectors and industrial hygienists. The industrial hygiene group focuses on protecting the health of employees and is responsible for administering Arkansas Code Annotated §8-7-1001 *et seq.*, the Public Employees' Chemical Right To Know Act and the regulations issued pursuant to the act known as Safety Code 12. The purpose of this law is to provide public employees with information and training concerning any hazardous chemicals with which they may work.

AOSH industrial hygienists are responsible for

**AOSH PUBLIC SECTOR SUMMARY  
2004-2005 FISCAL YEAR**

Accident investigation reports (public sector)	5
Fatality investigation reports (public sector)	0
Complaint investigations (public sector)	33
Items cited	43
<b>CONSULTATION/COMPLIANCE</b>	
Initial consultation reports for the public schools, technical schools, colleges and universities, state agencies, and other public sector entities	246
Follow-up visits	108
Items cited	1,341
Serious items	1,327
Other-than-serious items	14
Employees affected by hazards found	29,768
<b>TRAINING CLASSES</b>	
Number classes/seminars conducted	37
Number employees trained	1,531
<b>AMUSEMENT RIDE INSPECTIONS</b>	
Amusement Ride Inspections/ Reports	399
Number of rides inspected	2,992
Number of Companies Inspected	139
Number of Violations	1,042
Total fees collected	\$62,400

promoting awareness of the law and enforcing the requirements of the regulation. They conduct

training and awareness programs across the state on a first come, first served basis. To receive a copy of Code 12 or to schedule a free training class, contact AOSH Supervisor Mike Watson at (501) 682-9091 or e-mail [mike.watson@arkansas.gov](mailto:mike.watson@arkansas.gov)

AOSH is aggressively involved in promoting safe and healthful work practices so as to eliminate human suffering caused by accidents, injuries, illnesses and diseases. The consultants are responsible for identifying hazards, generating reports and providing formal and informal training and assistance.

Specific tests and equipment may be used to identify and determine hazards involving electricity, chemicals, noise, and air quality. Hazard classification is determined by the severity



*AOSH Inspectors (l to r) Reiman Diles, Charles Ferguson, Kevin Looney, Anthony Fleming, Supervisor Mike Watson, Bob Cook, Alex Davis and Charlotte Bell (not pictured) conduct accident, fatality and complaint investigations across the state in the public sector.*

of each situation. When hazards are identified, they are classified as “imminent”, “serious” or “other than serious”. The consultants provide information on specific conditions (hazards), and the associated laws, standards or codes of reference. They also recommend the corrective action that should be taken to eliminate the hazards. Some of the formal training classes offered by AOSH are Public Employees’ Chemical Right To Know, Bus Shop Safety, Kitchen Safety, Trenching and Excavation, Bloodborne Pathogens Programs, Respirator Programs, and General Safety. Additionally, on-site informal training is provided at the time of the consultation visit.

During fiscal year 2004-2005, AOSH taught 960 classes, twice the number taught last year, training 2,358 Arkansas workers in First Aid, General Safety and CPR. There is a \$10 registration fee for the First Aid and CPR classes, but the others are offered free of charge.

The consultants also promote the concept of a “safety culture” by helping to develop, implement and maintain safety and health programs whenever the need arises. A number of seminars are held across the state for the public sector each year.

Another key area of service in AOSH concerns blasting in the state. The Quarry and Open Pit Mine Blasting Control Act of 1995 gave the department jurisdiction over restrictions and limits on blasting at quarries and open pit mines.

AOSH provides consultation with operators, property owners, and the general public on complaints related to blasting. Seismograph monitoring of blasting sites is also available. Individuals doing blasting in Arkansas are required by Arkansas Code 13 to attend a blasting safety training course. A list of the blasting services conducted during the 2005 Fiscal Year is shown on this page.

## **AOSH BLASTING SERVICES SUMMARY JULY 2004-JUNE 2005**

11	blasting complaints received
11	blasting investigations conducted
7	blasting consultations conducted
49	blasting cards were issued through class attendance
50	blasting cards were issued through reciprocity
2	40-hour blasting classes were conducted for 2 attendees
2	20-hour blasting classes were conducted for 33 attendees
8	8-hour blasting classes were conducted for 31 attendees
11	seismograph monitoring

For more information on blasting, call Richard Steward at (501) 682-4521.

For more general information on AOSH, call Mike Watson at (501) 682-9091, or e-mail [mike.watson@arkansas.gov](mailto:mike.watson@arkansas.gov) or Richard Steward at (501) 682-4521 or e-mail [richard.steward@arkansas.gov](mailto:richard.steward@arkansas.gov)



*Amusement Ride Inspectors check rides each year at the Arkansas State Fair in Little Rock.*

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## Amusement Ride Inspection

Throughout the year, AOSH inspects amusement rides at county, district, and state fairs and permanent rides at the state's various theme parks, and go-kart tracks.

Department inspectors are trained and certified by the National Association of Amusement Ride Safety Officials, NAARSO. They inspected nearly 3,000 amusement rides this fiscal year and collected \$62,400 in fees, \$9,000 more than they collected last year. For more information, contact Mike Watson at (501) 682-9091, or e-mail [mike.watson@arkansas.gov](mailto:mike.watson@arkansas.gov)

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## Amusement Ride Safety Advisory Board

The Amusement Ride Safety Advisory Board's duty is to assist the director with the formulation of rules and regulations regarding the safe operation of amusement rides, and to give the department such counsel and advice as will aid it in the proper enforcement and administration of the provisions of

the law.

The board is appointed by the Governor and made up of:

- The director of the Parks and Tourism Department or his designee;
- A member representing owners or operators of amusement rides which are portable in nature;
- A member representing owners or operators of permanently placed amusement rides;
- A member representing fair managers in Arkansas; and
- A member representing the general public.

The Director of Labor is ex officio chair.

Present board members are:

Richard Davies

Johnny Miller

David Scharfenberg

Louise Fiser

Mark Clinton

James L. Salkeld, Director of Labor

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## MSHA (Mine Safety and Health Administration)

The Mine Safety and Health Administration (MSHA) Section assists miners in complying with the federal safety and health laws. This is done through free on-site consultation visits and assistance in preparing annual training plans and helping with training records. They also offer training classes free of charge to certify miners under fed-

eral requirements. There is, however, a \$10 fee for the First Aid and CPR training. The division deposited over \$4,900 to the State Treasurer this fiscal year as a result of this training.

The MSHA staff is working closely with the Federal MSHA Inspectors to insure that assistance is there when any Arkansas mine operator or miner needs it. Also, special emphasis seminars are conducted during the year as a joint venture with State and Federal MSHA so more information can get to the mine operators than would be possible through individual on-site assistance.

The 2005 Annual Arkansas MSHA Safety and Health Conference was held at the Clarion Resort on the Lake in Hot Springs in February and the South Central District Conference will be held there in 2006. During the 2004-2005 fiscal year, the MSHA staff trained 2,511 miners on safety and health issues, 400 more than last year. See the following chart for a list of the classes offered. For



*Bonita Stocks supervises MSHA trainers and coordinates the Annual Arkansas MSHA Safety and Health Conference each year.*

more information on the MSHA program contact Bonita Stocks at (501) 682-4520 or e-mail [bonita.l.stocks@arkansas.gov](mailto:bonita.l.stocks@arkansas.gov)

### **MSHA TRAINING CLASSES JULY 2004—JUNE 2005**

<b>COURSES</b>	<b># OF CLASSES</b>	<b>TOTAL ATTENDED</b>
Basic First Aid	73	694
CPR Heartsaver	66	639
MSHA New Miner (metal/nonmetal)	28	247
MSHA Annual Re- freshener (metal/ nonmetal)	54	893
MSHA Surface Coal First Aid Annual Re- freshener	1	5
MSHA Surface Coal Annual Certification Refresher	1	5
MSHA Surface Coal Electrical Cert. Re- freshener	1	6
MSHA Underground Coal Electrical Cert. Refresher	1	6
MSHA Instructor	3	16
<b>Total</b>	<b>228</b>	<b>2,511</b>

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## OSH/CFOI

The Arkansas Department of Labor has contracted with the U.S. Department of Labor's Bureau of Labor Statistics to conduct annual surveys of workplace fatalities, injuries and illnesses.

The first data for workplace fatalities was released in the fall of 1993 for calendar year 1992 through a program known as CFOI, Census of Fatal Occupational Injuries. Findings on the number of workplace fatalities for each subsequent year are as follows:

<b>YEAR</b>	<b>#FATALITIES</b>
1992	82
1993	71
1994	85
1995	91
1996	88
1997	102
1998	86
1999	76
2000	106
2001	68
2002	80
2003	87

Data on occupational injuries and illnesses was compiled under the Occupational Safety and Health (OSH) program. For 2003, 5.1 work-

related injuries and illnesses were reported for every 100 full-time workers in private industry in Arkansas. This was down for the 11th consecutive year. Sprains and strains accounted for over 41% of these work-related injuries and illnesses that required recuperation away from work. This is the 12th year in a row that sprains and strains were the most common injury.

All data collected through both programs is kept confidential, however, statistical information is compiled and released annually. The department is hopeful that this data will be very useful in developing additional training programs for employers and employees, and in assisting them in increasing their awareness of potential occupational hazards.

For more information or copies of the publications on OSH or CFOI statistics, contact Leon Cornett at 501-682-4542 or visit our website at [www.arkansas.gov/labor](http://www.arkansas.gov/labor)



*Sharon Schmidt collects data on occupational fatalities, injuries and illnesses in the state.*



## Boiler Inspection

The Boiler Inspection Section was established by legislative action in 1917 to protect the public from the inherent dangers prevailing in the construction, operation, repair, alteration and incorrect usage of boilers and pressure vessels. The Section's primary objective is the prevention of boiler and pressure vessel accidents, which might cause loss of life, personal injury or extensive property damage.

The Section's goal of eliminating all boiler and pressure vessel accidents is accomplished by strict enforcement of the mandatory boiler and pressure vessel safety law, rules and regulations of the state of Arkansas, the adoption and enforcement of various codes formulated by the American Society of Mechanical Engineers (ASME) and adoption and enforcement of the rules and regulations of the National Board of Boiler and Pressure Vessel Inspectors.

The Boiler Inspection Section licenses installers, repair firms, and boiler operators so that safety of construction, installation, repair and operation of boilers and pressure vessels can be assured. Mandatory licensing has rendered

greater safety to life and property, and therefore, eliminated an untold number of accidents.

Ever advancing technology creating new sources of energy, methods, and products is accelerating temperatures and pressures higher than man has ever known, thus making boilers and pressure vessels more complex. Located throughout the state, boilers and pressure vessels are used as heat exchangers and to produce steam in hospitals, theaters, churches, industries, schools, office buildings, and electric generating plants. The temperatures and pressures of these type vessels range up to three hundred psi (pounds per square inch) and over one thousand degrees in temperature. Unless properly dealt with, they are considered to be extremely dangerous.

Most boilers today are equipped with automatic control devices, computers, and other highly technical items that require skilled personnel, both in operations and maintenance. When complete dependence is placed on such automated operation, the human element is neglected, and ever-greater danger is prevalent. To presume that boilers and pressure vessels operating completely on automatic controls are safe and reliable is a mistake. Automatic controls and devices are the boiler operator's helper, not his replacement.

Boiler Inspection is proud to be a part of the National Board of Boiler and Pressure Vessel Inspectors Tracking Report, which identifies problem areas and trends related to boiler and pressure vessel operation, installation, maintenance and repair. The National Board has changed the format of their report to reflect the trends in accidents, and indicates where emphasis should be placed on prevention, instead of indicating actual accident/death numbers. This however, prevents us from



*The office staff is made up of (l to r) Michelle Hartwick, Loyce Brand, Julie Dove, Linda Black and Supervisor Maxine Wagley.*

having data for national deaths and injuries.

During this fiscal year, Arkansas had three reported incidents with boilers. One incident was reported in a school, forcing the evacuation of more than 1,000 students and sending approximately 80 students to the hospital where they were treated and released. The incident occurred when the burner assembly of a heating boiler flooded the ductwork in the attic with carbon monoxide. The building was built to an older code, and maintenance failed to catch the burner sooting in time.

The boiler and pressure vessel inspectors are charged with making thorough inspections for the preservation of life and property. They must be ever on the alert to insure safety for the public. Each inspector must be qualified by examination and in possession of a current Arkansas Commission and National Board of Boiler and Pressure Vessel Inspectors Commission.

An insurance or state inspector normally makes the original recommendation for repairs. It is the Boiler Inspection Section's responsibility to make sure their recommendation has been complied with, which usually requires the inspectors to perform a follow-up inspection.

Our inspectors found 408 code violations while conducting their routine inspections. Had any of these code violations been ignored, they could have ended in a tragic accident.

The Boiler Inspection Section is self-supporting and relies on fees approved by the legislature for inspection work performed and services rendered.

The Boiler Inspection staff is supervised by Gary Myrick, Chief Boiler Inspector, and is made up of two equally important sections. The field force consists of four National Board commissioned inspectors, Jerry Vann, Dennis Hannon, Steve Mathis, and Floyd Donaldson. The office staff includes Maxine Wagley, Supervisor; Julie Dove, Linda Black, Michelle Hartwick, and Loyce Brand.

The Boiler Inspection Section works closely with sellers, installers, users, repairers, and operators, to provide assistance in interpreting the boiler safety laws of the State of Arkansas, the A.S.M.E. Code, and the National Board Inspection Codes. Other services include:

- Administer examinations to qualified applicants and issue boiler operator licenses
- Issue installation permits, repair permits, and pressure piping permits
- Issue installation licenses and repair licenses
- Issue certificates of operation for boilers and pressure vessels
- Issue certificates of competency to commissioned inspectors
- Assist insurance inspectors

## BOILER INSPECTION—ANNUAL REPORT 2004-2005

Date	Boilers State		Boilers Insured		Boiler Operator License		Online Boiler Operator Licenses		Operator Pocket Cards		Online Boiler Operator Pocket Cards		Shop Inspections	
	No.	Fees	No.	Fees	No.	Fees	No.	Fees	No.	Fees	No.	Fees	No.	Fees
2004 Jul	605	\$17,189.00	719	\$15,795	719	\$ 12,463	22	374	50	\$250	2	10	5	\$4,459.62
Aug	638	17,646.00	1,181	23,760	356	6,277	19	323	53	265	1	5	0	0
Sep	735	21,082.44	1,193	27,045	518	9,030	24	408	57	285	6	30	0	0
Oct	724	20,474.56	1,209	25,560	415	7,399	26	442	61	305	4	20	2	1,604.07
Nov	707	20,592.00	1,244	25,275	416	7,344	16	272	48	240	3	15	0	0
Dec	659	19,023.00	1,112	23,910	630	10,934	6	102	64	320	2	10	0	0
2005 Jan	430	13,135.00	1,163	27,465	546	9,666	25	425	94	470	4	20	2	1,928.64
Feb	666	18,174.00	1,270	24,610	581	10,205	45	765	81	405	6	30	2	1,568.24
Mar	990	28,453.00	1,951	39,750	631	11,151	35	595	123	615	6	30	2	1,349.24
Apr	613	17,366.56	1,842	42,540	446	8,134	23	391	52	260	3	15	3	2,887.73
May	819	18,362.00	1,622	31,980	250	4,746	13	221	17	85	3	15	0	0
Jun	1,149	34,546.99	1,434	30,390	888	15,392	41	697	84	672	8	49	2	2,173.02
Total	8,735	\$246,044.55	15,940	\$338,080	6,396	\$112,741	295	\$5,015	784	\$4,172	48	\$249	18	\$15,970.56

## BOILER INSPECTION—ANNUAL REPORT 2004-2005

Date	AA Inspections		Permits To Install		Permits to Install PP		Certificates of Competency		Install & Repair Licenses		Misc. Charges		Total # Of Charges	Total Fees	Receipts
	No.	Fees	No.	Fees	No.	Fees	No.	Fees	No.	Fees	No.	Fees			
2004 Jul	0	0	29	\$595.00	2	\$200.00	15	\$235	4	\$300	105	\$232.00	2,277	\$ 52,102.62	\$ 52,376.00
Aug	0	0	26	570.00	2	200.00	7	105	8	600	5	82.00	2,296	49,833.00	50,722.46
Sep	0	0	42	870.00	1	100.00	0	0	7	525	45	18.60	2,628	59,394.04	48,805.00
Oct	0	0	16	290.00	2	200.00	2	50	6	450	5	82.00	2,472	56,876.63	53,405.04
Nov	0	0	35	735.00	3	300.00	1	25	92	6,900	5	190.00	2,570	61,888.00	65,534.96
Dec	0	0	21	460.00	1	100.00	6	100	405	30,375	2	40.00	2,908	85,374.00	90,862.67
2005 Jan	0	0	30	800.00	1	100.00	1	15	76	5,700	3	12.00	2,375	59,736.64	58,669.00
Feb	1	\$18.00	73	1,540.00	1	100.00	1	25	18	1,350	3	150.00	2,748	58,940.24	51,566.38
Mar	0	0	12	295.00	2	200.00	2	50	7	525	4	32.00	3,765	83,045.24	74,054.88
Apr	0	0	14	315.00	1	100.00	35	545	2	150	1	20.00	3,035	72,724.29	66,745.86
May	0	0	19	315.00	2	200.00	43	655	5	375	672	215.75	3,465	57,169.75	70,953.27
Jun	0	0	19	485.00	0	0	60	920	6	450	2	40.00	3,693	85,815.01	84,422.28
Total	1	\$18.00	336	\$7,270.00	18	\$1,800.00	173	\$2,725	636	\$47,700	852	\$1,114.35	34,232	\$782,899.46	\$768,117.80

- Assist firms, individuals, & companies that call or visit the Boiler Inspection office
- Conduct accident investigations
- Evaluate requests for code variances
- Conduct ASME and National Board certificate reviews
- Conduct state and ASME code shop inspections as well as field inspections upon request.

## Boiler Advisory Board

The Boiler Advisory Board was created to assist in the formulation of rules and regulations of the construction, installation, inspection, repair, and operation of boilers and unfired pressure vessels and their appurtenances, and of pressure piping in the state of Arkansas. The Boiler Advisory Board is also responsible for counseling and advising the Chief Inspector in the performance of his duties, and for assisting him in giving examinations to prospective boiler inspectors, in order to provide a safe environment to Arkansas citizens. The Governor appoints the Board, and the Director of the Department of Labor or his designee serves as the ex officio chairman. The Board is made up of: members who represent insurance companies who inspect and insure boilers and pressure vessels, operating engineers, owners and users of boilers and pressure vessels, and boiler manufacturers. The Board members are:



*Board members are: (l to r) seated—Chief Boiler Inspector Gary Myrick, Director of Labor James L. Salkeld; standing—Bill McCoy, Larry Wolf, Richard Mille', and Stephen Case.*

**Richard Mille', representing Boiler Manufacturers**

**Stephen Case, representing Operating Engineers**

**Larry Wolf, representing Insurance Companies Insuring Boilers**

**Bill McCoy, representing Boiler Users**

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## Electrical Licensing

The Arkansas Board of Electrical Examiners was created by Arkansas Code Annotated §§17-28-101 through -307, which is commonly known as the "State Electricians' Licensing Law." It provides for licensing of master and journeyman electricians, residential master and residential journeyman electricians, air-conditioning electricians and industrial maintenance electricians.

An applicant for a state electrician's license must pass a written examination approved by the board, in addition to meeting experience or education requirements. Examinations are held in Little Rock, Fayetteville, and Fort Smith.

A state-issued electrician's license is required to perform electrical work in Arkansas. A temporary, one-time, six-month license may be obtained for an "industry project", if an electrician is licensed in another state. Cities still require permits and inspections, and may require compliance with specific building or construction codes. Additionally, apprentices must be registered with the board.

The Arkansas Electrical Code Authority Act, Arkansas Code Annotated §20-31-101 *et seq.*, authorizes the board to adopt rules and regulations to establish statewide minimum standards for electrical work in Arkansas. The National Electrical Code, 2002 edition of the National Fire Protection Association is now the standard for the

construction, installation and maintenance of electrical facilities and the performance of electrical work. The board may suspend or revoke an electrician's license for cause, including violations of the National Electrical Code.

The board's staff is available to answer inquiries about the interpretation and application of the National Electrical Code and provide information on licensing and inspection requirements on the local level. They are authorized to conduct investigations into complaints against licensed electricians, and then submit the information to the board for consideration. The board may conduct a hearing to consider the suspension or revocation of the electrician's license for cause.

The Arkansas Board of Electrical Examiners has issued a total of 11,324 licenses during this fiscal year, over 750 more than issued last year. A statistical breakdown follows.



*(l to r) Electrical Licensing's office staff is made up of Laura Wood, Anita Adelman, and Lenora Treadway.*

**BOARD OF  
ELECTRICAL EXAMINERS  
LICENSES ISSUED—FY 2004-2005**

Industrial Maintenance	1,216
Residential Master	258
Residential Journeyman	125
Electrical Apprentice	2,612
Electrical Contractor	91
Master	4,201
Journeyman	2,399
Air Conditioning	126
Temporary Journeyman	283
Temporary Master	13
<b>Total Licenses Issued</b>	<b>11,324</b>
Industrial Maintenance Testing	23
Licenses Renewed On-Line	761
Civil Money Penalties Collected	\$24,187.50
On-Line Renewals	\$46,270.00
<b>Total Deposits</b>	<b>\$538,555.50</b>

**Board of Electrical  
Examiners**

The mission of the Board of Electrical Examiners is to protect the public by establishing standards for the construction, installation, and maintenance of electrical facilities, the performance of electrical work, and the licensing of electricians.

The nine-member Board of Electrical Examiners was created by Arkansas Code Annotated §§17-28-101 through -307. The Governor appoints eight members and the ninth member is the Director of Labor or his authorized representative. The responsibilities of the board include the formulation of the rules and regulations necessary for the implementation of Arkansas Code Annotated §§17-28-101 through 307 and 20-31-101 *et seq.*; the examination for master electricians, journeyman electricians, and industrial maintenance electricians; the establishment of state standards for the performance of electrical work; and the revocation and suspension of licenses for cause. The following persons served on the Board during fiscal year 2004-2005:

**Gary Ferrell, Chairperson**  
**Danny King**  
**Hugh Brewer**

**Ed Carrington  
J.D. Chastain  
Paul Brown  
Sammie Cox  
Thomas Easterly  
James L. Salkeld, Director of Labor**

## Elevator Safety

Elevator Safety is responsible for enforcing state law regarding the inspection and permitting of elevators, escalators, dumbwaiters, and wheelchair lifts. Ark. Code Ann. §§20-24-101 *et seq.* Licensed elevator inspectors submit annual or bi-annual inspection reports that reflect the operating status of the elevator, including any unsafe condition. Correction of any deficiencies is required in order for the owner or operator to obtain a certificate of operation, or operating permit.

The division is also responsible for witnessing required safety and pressure tests, inspecting new installations, and licensing qualified elevator inspectors. Fees are charged for each function.

For more information on the Elevator Safety Section, call Chief Elevator Inspector Larry Smothers at (501) 682-4530, Fax (501) 682-1765, or e-mail [larry.smothers@arkansas.gov](mailto:larry.smothers@arkansas.gov) or [jean.kilby@arkansas.gov](mailto:jean.kilby@arkansas.gov)



*(1 to r) Anna Smith, Jean Kilby, Neil Melton, Ed Penn and Joe Tipton (not shown) work under the supervision of (seated) Chief Elevator Inspector Larry Smothers .*

## Elevator Safety Board

The mission of the Elevator Safety Board is to protect the public by establishing safety standards, and other regulations for the safe installation and operation of elevators, escalators, dumbwaiters, and wheelchair lifts.

<b>ELEVATOR SAFETY 2004-2005 STATISTICAL SUMMARY</b>	
Construction permits issued on elevator installations	195
Modernizations and alterations on existing elevators	66
Certificates of Operation (renewed)	4,715
Certificates of Operation (new)	233
Temporary Certificates of Operation	26
Inspection reports (posted and filed)	8,041
Five year full load safety test reports posted, filed and billed	255
Three year pressure test reports posted, filed and billed	814
Acceptance tests witnessed	233
Re-inspection of new elevators	62
Accident investigations	1
Semi-annual inspections	174
Elevator Inspector's license issued	31
<b>Deposited to the State Treasury</b>	<b>\$359,946.44</b>

The Elevator Safety Board was created in 1963 and consists of five members. Arkansas Code Annotated §20-24-105. The Director of the Department of Labor serves as the chairman, and the Governor appoints the other four members.

The board meets on the second Thursday of every other month and is responsible for:

- Revocation or suspension of any elevator inspector's license for cause;
- Adopting, amending or repealing rules and regulations;
- Issuing variances; and
- Hearing any appeals from action taken by the Elevator Safety Section.

Present Elevator Board members are:

**James L. Salkeld**, Director of Labor  
**Kenneth Dryden**, representing building owners and lessees

**Allen Gaulding**, representing insurance companies

**Reed Myers**, representing elevator manufacturers

**Steve Kinzler**, representing the public at large



*Ron Baker is Administrator over the entire Code Enforcement Division.*

The Labor Standards Division is comprised of Wage and Hour, Private Employment Agency, Prevailing Wage and Mediation and Conciliation.

## Wage and Hour

Wage and Hour administers and enforces the Arkansas labor laws relating to minimum wage, overtime, student learners, child labor, disabled workers, equal pay and the collection of unpaid wages involving \$1,000 or less for employees who work or worked in this state.

Field staff conducts routine inspections of workplaces throughout the state providing information, enforcing the labor laws, investigating complaints and wage claims and consulting with both employers and employees.

The Labor Standards staff assists the public in understanding their rights and responsibilities under the wage and hour law, and pursues reported violations of the law. Little Rock staff also coordinates the activities of the field staff, standardizes enforcement procedures, and interprets the rules and regulations.

Wage and Hour also handles issuing

<b>WAGE AND HOUR FY 2004-05 SUMMARY</b>	
<b># Wage/Hour Inspections</b>	1,787
<b># Wage Claim Inspections</b>	<u>394</u>
<b>TOTAL INSPECTIONS</b>	2,181
<b>Wage/Hour Inspections</b>	
No. Employees	32,852
Minors under 16	383
Minors under 18	4,853
Females	16,808
Males	10,808
Minimum Wage Employees	674
Overtime Employees	382
Interviews	527
<b>Total Violations</b>	
Under Age	10
Employment Certificate	111
Hours Child Under 16	117
Hours Under 18	274
Hazardous Occupations	6
Poster	122
Minimum Wage	75
Overtime	92
Record Keeping	174
Record Keeping Child Labor	16
Record Access	3
<b>Minimum Wage and Overtime Restitution</b>	
Computed	\$217,284.73
Collected	41,962.20
Collected by Legal Division	25,576.01
<b>Child Labor Civil Money Penalties</b>	
Computed	\$1,307,318.45
Collected	66,310.00
Collected by Legal Division	19,471.39
<b>Work Permits Issued</b>	<b>1,979</b>

Labor Standards Division



employment certificates to minors, student learner permits, special disability permits, and certificates of eligibility. Certificates of eligibility allow employers to pay full time students 85% of the applicable minimum wage to work not more than twenty hours during weeks that schools are in session, or forty hours during weeks that schools are adjourned. Arkansas' minimum wage became \$5.15 on October 1, 1997.

Wage and Hour also receives claims for unpaid wages, sick and vacation pay, holiday benefits and commissions. Claims are also received for shortages, cash advances, damaged property charges, and other unauthorized deductions from employees' wages.

When a claim is received, a notice of wage claim is issued to the employer. The employer



*(l to r standing) Rusty Geurin, Nathan Butler, Becca Breedlove-Berry, and (seated) Donna Brannon are available to answer questions concerning wages and hours.*

## **LABOR STANDARDS DIVISION WAGE CLAIMS—2004-2005**

### **Wage Claims Filed**

Number of Claims—735  
Wage Claims Field Investigations—394  
Wage Claim Collections—\$55,782.24  
Amount Collected by Legal Division—  
\$9,503.73

may elect to respond by answering one of the choices given on the form and attaching any relevant evidence. After an investigation is conducted by field inspectors, the inspector issues a preliminary wage determination as to the validity of the claim received.

After notification of the preliminary order, a dissatisfied party may request an administrative hearing. If the claim remains unresolved, it may be forwarded to the Arkansas Department of Labor Legal Section.

All services are free of charge.

## **Private Employment Agency**

Arkansas Code Annotated §11-11-101 *et seq.* authorized the Private Employment Agency Section to license and regulate all private employment agencies in Arkansas that charge a fee to the applicant. Agencies are licensed only after bonding and examination requirements have been met and after the agency has demonstrated

business integrity, financial responsibility and sound judgment.

All agency owners, managers, and counselors are required by law to pass a qualifying examination. They are also required to maintain records on the following: refunds due to applicants, agency newspaper advertisements, applicant referrals, job orders solicited from clients, and all agency business transactions. These records are subject to review by the Private Employment Agency Section. They also investigate any complaints concerning agency activities.

The Private Employment Agency Section enforces a ninety-day guaranty provision that states if applicants leave the job for any reason within 90 days of their hire date, the fee will be prorated, thus protecting applicants who pay an agency to find them a job. The law also prohibits agencies from charging applicants a fee for any service other than actually being placed on a job.



*Don Cash has processed prevailing wage survey data for the department since 1993.*

This is an ongoing process beginning in August or September of each year and usually being finalized in late May or June of the following year.

Over 4,000 solicitation letters are mailed and numerous follow-up phone calls are made to insure that every contractor licensed to do business in this state has an opportunity to participate in the survey. This additional effort is made to increase the percentage of survey responses and insure the most accurate survey results. Survey results are reviewed and approved by the Prevailing Wage Advisory Committee before being certified by the Department of Labor on or about July 1 of each year.

It is the responsibility of the public body awarding any contract, where the cost of all labor and materials is expected to exceed \$75,000, to ascertain the prevailing hourly rate of pay in the county in which the work is to be performed. The

## Prevailing Wage

Prevailing Wage administers the Arkansas Prevailing Wage Law, Arkansas Code Annotated §§ 22-9-301 through -315. This office is responsible for conducting annual wage surveys of both building and heavy construction projects to establish minimum wages for laborers and mechanics employed on public works projects.

WAGE DETERMINATIONS BY COUNTY—FY 2004-2005						
County	Bldg. Const.	Heavy. Const.	Multiple	Resid.	Total	\$ Amt.
Arkansas	1	1	0	0	2	\$ 370,300
Ashley	2	1	0	0	3	385,000
Baxter	1	2	0	0	3	2,868,838
Benton	10	10	1	0	21	43,615,733
Boone	1	7	0	0	8	5,035,000
Bradley	2	0	0	0	2	1,230,000
Calhoun	0	0	0	0	0	0
Carroll	1	4	1	0	6	3,255,000
Chicot	2	2	1	0	5	5,080,000
Clark	2	1	0	0	3	703,000
Clay	1	0	0	0	1	75,000
Cleburne	0	0	0	0	0	0
Cleveland	0	0	0	0	0	0
Columbia	1	1	0	0	2	500,000
Conway	0	5	1	0	6	2,497,000
Craighead	5	5	1	1	12	24,464,390
Crawford	1	7	3	0	11	16,241,250
Crittenden	0	1	0	0	1	80,000
Cross	1	0	0	1	2	500,000
Dallas	0	0	0	0	0	0
Desha	2	1	0	0	3	375,000
Drew	2	0	0	0	2	1,117,500
Faulkner	3	8	0	2	13	3,606,500
Franklin	0	0	0	0	0	0
Fulton	1	1	0	0	2	293,343
Garland	6	6	0	0	12	2,860,050
Grant	1	2	0	0	3	630,725
Greene	0	2	0	0	2	375,000
Hempstead	2	0	0	0	2	655,000
Hot Spring	1	3	0	0	4	3,011,000
Howard	1	1	0	0	2	4,350,000
Independence	2	1	0	0	3	625,000
Izard	2	1	0	0	3	1,894,709
Jackson	4	2	0	0	6	1,949,000
Jefferson	5	2	0	0	7	11,057,535
Johnson	0	3	0	0	3	1,100,000
Lafayette	0	0	0	0	0	0
Lawrence	1	2	0	0	3	355,000
Lee	1	0	0	0	1	1,500,000
Lincoln	0	1	0	0	1	960,000

WAGE DETERMINATIONS BY COUNTY—FY 2004-2005						
County	Bldg. Const.	Heavy Const.	Multiple	Resid.	Total	\$ Amt.
Little River	0	0	0	0	0	0
Logan	1	0	0	0	1	250,000
Lonoke	2	2	1	0	5	4,075,000
Madison	1	2	0	0	3	4,450,000
Marion	0	2	0	0	2	300,000
Miller	0	3	0	0	3	2,600,000
Mississippi	1	0	0	0	1	400,000
Monroe	0	0	0	0	0	0
Montgomery	0	0	0	0	0	0
Nevada	0	0	0	0	0	0
Newton	0	0	0	0	0	0
Ouachita	0	3	0	0	3	1,500,000
Perry	0	0	0	0	0	0
Phillips	1	1	0	0	2	1,700,000
Pike	0	0	0	0	0	0
Poinsett	0	1	0	0	1	75,000
Polk	1	3	0	0	4	1,290,000
Pope	3	7	0	0	10	6,735,660
Prairie	1	2	0	0	3	1,447,500
Pulaski	74	33	0	1	108	143,817,795
Randolph	1	0	0	0	1	250,000
St. Francis	4	2	0	0	6	2,590,000
Saline	3	4	1	0	8	14,165,000
Scott	0	2	0	0	2	4,360,000
Searcy	1	0	0	0	1	280,000
Sebastian	17	9	2	0	28	21,035,582
Sevier	1	0	0	0	1	80,000
Sharp	0	2	0	0	2	2,160,500
Stone	0	1	0	0	1	300,000
Union	2	4	0	0	6	3,090,500
Van Buren	2	2	1	0	5	1,200,000
Washington	24	27	2	0	53	180,951,589
White	3	1	0	0	4	13,733,000
Woodruff	0	1	0	0	1	1,000,000
Yell	1	2	0	0	3	820,000
Pul/Lon.	0	1	0	0	1	1,300,000
Grnt/Sal.	0	1	0	0	1	2,880,897
Hot Spr/Grnt	0	1	0	0	1	3,000,000
<b>Totals</b>	<b>209</b>	<b>202</b>	<b>15</b>	<b>5</b>	<b>431</b>	<b>565,453,896</b>
% of Total	48%	47%	3%	1%	100%	

**PREVAILING WAGE  
SUMMARY OF  
WAGE DETERMINATIONS  
ISSUED—JULY 1, 2004—JUNE 30, 2005**

Mo.	Bldg	Hvy.	Mul- tiple	Resi dntl.	Total	Dollar Amount
Jul	12	26	3	0	41	\$ 55,484,635.00
Aug	21	14	2	0	37	43,864,740.00
Sep	20	10	1	0	31	11,388,749.00
Oct	17	25	0	0	42	47,554,967.00
Nov	14	19	1	1	35	47,463,391.00
Dec	13	9	1	0	23	26,291,200.00
Jan	20	15	1	0	36	77,012,409.00
Feb	9	16	0	1	26	53,158,953.00
Mar	18	24	2	2	46	92,736,638.00
Apr	19	12	0	0	31	29,769,490.00
May	20	11	3	1	35	37,361,996.00
Jun	26	21	1	0	48	43,366,728.00
<b>Tot.</b>	<b>209</b>	<b>202</b>	<b>15</b>	<b>5</b>	<b>431</b>	<b>\$565,453,896.00</b>
% of Total	48%	47%	3%	1%		

public body must also see that a stipulation is inserted in the contract that not less than the prevailing hourly rate of wages as found by the department, or determined by the court on appeal,

shall be paid to all workers performing work under the contract.

Arkansas Code Annotated §22-9-302 defines “public body” as the State of Arkansas or any officer, board or commission of the state, any county, city, municipality or other political subdivision, or any of the agencies thereof. “Public works” means all works constructed for public use, whether or not done under public supervision or direction or paid for wholly or in part out of public funds, but it does not include any work done for or by any drainage, improvement, or levee district. Other exemptions include highway, road, street, or bridge construction and maintenance or related work contracted for or performed by incorporated towns, cities, counties or the Arkansas State Highway and Transportation Department, and public school construction.

During Fiscal Year 2004-2005, Prevailing Wage issued 431 wage determinations for projects with estimated values totaling \$565,453,896.

The Prevailing Wage Law also empowers the Director of Labor or his representatives to investigate any alleged violation. As a result of such investigations, the Prevailing Wage staff collected and disbursed \$98,968 in back wages for 76 employees. Additionally, the Department’s Legal staff collected \$1,813.

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## Prevailing Wage Advisory Committee

The mission of the Prevailing Wage Advisory Committee is to provide advice and assistance to the Director of Labor and his staff in the ongoing review of the content, adequacy, and effectiveness of the Department of Labor's administration and enforcement of the Arkansas Prevailing Wage Law.

The Advisory Committee was created by executive order in 1994. The committee is comprised of five members representing workers employed in construction, three representing contractors engaged in the construction of public works, two members representing state and local government agencies engaged in the construction of public works, and two *ex officio* members.

The twelve-member committee, which serves at the will of the Governor, is made up of the following.

**Anita Murrell**, Director  
Arkansas Building Authority

**Dennis Donahou**, Executive Secretary/Treasurer  
with Arkansas Regional Council of Carpenters

**Tony Ellis**, Business Manager  
Plumbers & Pipefitters Local #155

**Edward Finney**  
Doyne Construction Company

**Patrick Hays**, Mayor  
City of North Little Rock

**David Marsh**, Business Mgr.,  
Ironworkers Local #321

**Steve Schaeffer**, Executive Director, Associated  
Builders and Contractors, Inc.

**Lewis May**, President  
May Construction Co., Inc.

**James C. Aldridge Sr.**,  
J.C. Aldridge & Son, Inc.

**James L. Salkeld**, Director, Arkansas Department  
of Labor



## Mediation and Conciliation

Arkansas Code Annotated §11-2-201 *et seq.* authorizes Mediation and Conciliation to intervene in any labor dispute, strictly in a mediatory or conciliatory capacity, to assist both parties in reaching an equitable agreement.

The Federal Labor Management Relations Act

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of 1947 requires all parties wishing to amend or terminate an agreement to notify both state and federal mediation authorities of their intent. Our state mediator's responsibility is to then promote peace and harmony in employer/employee relations by encouraging voluntary arbitration between parties, thereby avoiding lockouts, boycotts, blacklists, discrimination, and legal proceedings.

The state mediator holds all information obtained during negotiations in the strictest of confidence and his services are free of charge. During fiscal year 2004-2005, he received notices from 51 local unions and employers of contract negotiations. He participated in 26 of those negotiations and attended 60 other meetings. He also coordinated the Seventh Annual Labor Management Conference which is held each year in Hot Springs.



*Ed House has been the State's mediator with the Department since 1991.*

# Administrative Services



The Administrative Services Division includes Finance and Personnel, Information Technology, Legal, and Planning and Publications. These sections provide support services for the entire agency.

## Finance and Personnel

Managing the agency's annual budget of approximately \$5.7 million is one of the primary responsibilities of the Finance and Personnel Section. This includes budget preparation and monitoring, transfer and disbursement of funds, preparation of reports and grant applications, and management of federal grants received from the Occupational Safety and Health Administration, the Mine Safety and Health Administration and the Bureau of Labor Statistics. The section is also responsible for purchasing and inventory control, policy development and implementation, advertising job vacancies and personnel recruitment, and handling employee benefits and payroll. During FY 2005, the agency had 103 authorized, full-time positions.



*(1 to r) Vicki Campo, Robyn Clark, General Business Manager Becky Bryant, Linda Whisnant, Tina Brown, and (not pictured) Kay Stacy make up the Finance and Personnel Section.*

## Information Technology

The Information Technology Section provides local area network support for the internal operations of the Arkansas Department of Labor. This includes computer network administration and support for more than one hundred desktop PC's and portable PC's, agency servers and all supporting network equipment, as well as software licensing. The IT Section is responsible for planning, designing, implementing, installing, and maintaining the agency's computer network and all



*(l to r) Don Gantt, Doris Anderson, and Ken Anderson provide technical support for the department's computer system.*

associated components. The IT Section implements technology solutions to further agency initiatives, provides internal support and assistance for all software currently being used by the Arkansas Department of Labor, and for all databases used in various agency programs.

With computer technology being ever-changing and constantly improving, the IT Section must stay abreast of changes and determine how, if, and when the agency can benefit from the latest technology.

We are continuously improving and expanding in-house training classes for our employees. We are striving to streamline and automate processes such as license renewals, certifications, and permits. We are partnering with the Information Network of Arkansas (INA) to offer online renewals for licenses, and we are adding other online services as opportunities arise.

Doris Anderson, the agency's Applications and Systems Manager, serves as the agency's representative for several Information Technology Working Groups, a collaborative effort comprised of staff across Arkansas state government. Doris and our legal staff also participated in the workgroup for development and implementation of guidelines for the Arkansas General Records Retention Rule. The role of these workgroups is to identify issues, establish information management principles, and help set priorities for implementing the state's information architecture.

## Legal

The Legal Section of the Arkansas Department of Labor handles all legal matters on behalf of the Director, including advising each division on such matters as the interpretation and application of state and federal law. The staff attorneys have the responsibility of reviewing proposed legislation and drafting administrative regulations. They also serve as a source of information for the public and other state agencies regarding Arkansas's labor laws.

Individual wage claims, together with violations of state minimum wage and overtime laws and prevailing wage laws constitute much of the litigation handled by this section. In addition,

court action may be initiated for the enforcement of the state's safety laws and laws regulating such operations as boilers, elevators, and private employment agencies.

At the end of the 2004-2005 fiscal year, collections for Legal totaled \$61,549 with \$19,471 of that total for Child Labor penalties.

<b>2004-2005 LEGAL COLLECTIONS</b>	
<b>PROGRAM</b>	<b>AMOUNT</b>
Child Labor	\$ 19,471.39
Wage/Hour	25,576.01
Wage Claims	9,503.73
Boiler	4,736.00
Elevator	175.00
Prevailing Wage	1,813.00
AOSH	38.50
Electrical	235.00
<b>TOTAL</b>	<b>\$61,548.63</b>



*Attorney Supervisor Denise Oxley has more than 20 years experience with the Department of Labor.*

## Planning and Publications

Planning and Publications handles nearly all the printing, publications, and website management, for the Department of Labor in-house. This requires editing and writing text; designing artwork, and layout; typesetting; preparing camera-ready artwork; photography; writing printing specifications and printing the final product.

The Section publishes two free, quarterly

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newsletters. The *Safety News* newsletter addresses safety issues and timely topics on occupational safety and health. *Labor News* features articles on labor trends, job statistics, and employment programs. Nearly 32,000 newsletters were mailed out to workers in Arkansas during the 2004-2005 fiscal year, and over 2,000 more were e-mailed to requesting recipients. The division also publishes a monthly employee calendar entitled *The Laborgram*.

With the exception of the newsletters, the department's most frequently requested publication is the *Arkansas Laws Relating to Labor* manual, which is updated each biennium when the Arkansas General Assembly passes revisions to the law. Other available publications include *Statutes Regulating Wages and Hours*, *Child Labor Laws*, *Administrative Regulations Pertaining to the Arkansas Minimum Wage Act* and other handbooks

on specific areas such as safety, boilers, prevailing wage, electrical safety, etc.

Planning and Publications handles all press releases and board meeting announcements, in addition to publicity for department seminars and training programs.

For a complete listing of the Arkansas Department of Labor's publications, visit our website at [www.arkansas.gov/labor](http://www.arkansas.gov/labor)



*(l to r) Sharon Adams manages the department's website and Jeanette Donahue edits the two quarterly newsletters for the agency.*

The Arkansas Department of Labor does not discriminate on the basis of disability in employment or in the admission or access to, or treatment or employment in, its programs, services, or activities. Becky Bryant, Arkansas Department of Labor, 10421 West Markham, Little Rock, Arkansas 72205-2190, (501) 682-4540 (voice) 1-800-285-1131 (TRS) e-mail [becky.bryant@arkansas.gov](mailto:becky.bryant@arkansas.gov) has been designated to coordinate compliance with the non-discrimination requirements contained in 28 CFR 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.



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