

2016  
Annual  
Report



# Arkansas Department of Labor

## OUR MISSION

The Arkansas Department of Labor was given the responsibility of enforcing the labor laws of the state in 1913. Today, the mission of the Arkansas Department of Labor is to foster, promote, and develop the health, safety and welfare of the wage earners of Arkansas by providing services and enforcing laws to improve working conditions and enhance their opportunities for safe and profitable employment. Since 1991 the Department has increased in both productivity and efficiency as we have continuously endeavored to improve processes and public services. We look forward to serving the workforce of Arkansas even more effectively in the future.

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## OUR VISION

We seek to **L**ead **A**rkansans **B**eyond **O**rdinary **R**esults for progressive workplace safety and employee wellbeing.

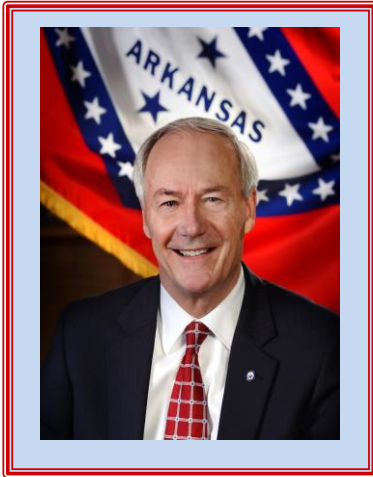
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## OUR VALUES

We are **C**ommitted, **A**ccountable, and **R**espect the need for **E**xcellent **S**ervice that the citizens of Arkansas deserve.

Asa Hutchinson  
Governor

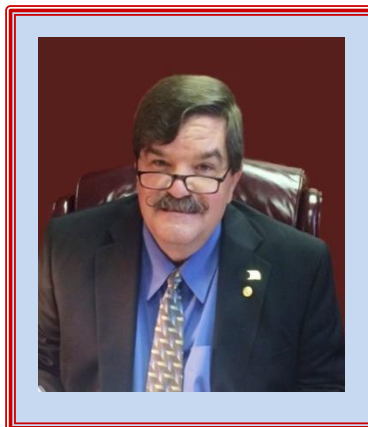
Leon Jones, Jr.  
Director



**ASA HUTCHINSON**  
Governor  
State of Arkansas



**LEON JONES, JR.**  
Director  
Department of Labor



**RALPH T. HUDSON**  
Deputy Director  
Department of Labor

Asa Hutchinson  
Governor



State of Arkansas  
Department of Labor

Leon Jones, Jr.  
Director

The Honorable Asa Hutchinson  
Governor, State of Arkansas  
State Capitol Building  
Little Rock, Arkansas, 72201

Dear Governor Hutchinson:

I am honored and proud to submit the annual report for the Arkansas Department of Labor for the fiscal year ending June 30, 2016. This report highlights the broad scope of services and duties that the employees of this agency provide to the citizens of Arkansas.

The commitment of agency employees is demonstrated on a daily basis. This year, however, I am proud to note the receipt of two particular awards received by the OSHA Consultation Division. First, the division received the Region VI Outreach Award from the U. S. Department of Labor, OSHA Region VI for working with OSHA to facilitate the first Amputation Stand Down in the nation, resulting in 16,451 participants receiving amputation awareness training, 2723 self-audits being conducted, 3380 amputation hazards identified and 7416 workers removed from identified amputation hazards. Second, on May 18, 2016 the division received a 2016 OSCAR Award (On-site Consultation Achievement Recognition) from the national OSHA office for significant contribution to promote safe and healthful workplaces in the small business community.

At the end of the previous fiscal year, we completed a consolidation of office space and a re-assignment of some workers to the field. This fiscal year, we saw our full first year of savings, resulting in a 30% decrease in office rental fees. We also continue to provide technology solutions to our staff to improve services and increase efficiency.

Thank you for your continued support of the agency and its programs.

Sincerely,

Leon Jones, Jr.  
Director of Labor



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# Occupational Safety & Health

Occupational safety and health is a major focus of the Department of Labor. Several divisions, utilizing state and federal funds, work toward the common goal of improving the safety and health of Arkansas' workforce. This is accomplished in a number of ways, including:

- ◆ Providing free consultation services to Arkansas businesses and mines;
- ◆ Conducting complaint, accident, and fatality investigations in the public sector;
- ◆ Making routine inspections of publicly-owned workplaces;
- ◆ Providing informational services and training classes regarding key safety and health issues in order to better equip Arkansas's workforce against occupational hazards. This may include one-on-one site visits, conferences and seminars, media resources, and targeted publications;
- ◆ Recognizing businesses and individuals who excel in promoting safety and health through a safety award program; and
- ◆ Conducting annual surveys of workplace fatalities, injuries, and illnesses in the state.

## **SAFETY AWARDS**

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The Department of Labor offers a number of safety awards to recognize successful achievement in workplace safety and health. These include:

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

The Million Work Hour Award is presented to employers and employer facilities whose employees have accumulated a million work hours without a lost day away from work due to work-related injuries or illnesses.

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

- an effective safety and health program is in place, and
- 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 Safety Award is designed for small employer facilities that operate for multiple 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. There is a nomination and screening process for this award.

The following were recipients of safety awards from the Department of Labor during the 2016 fiscal year:

**SIX MILLION WORK HOURS  
SAFETY AWARD**

Rockline Industries, Springdale

**FIVE MILLION WORK HOURS  
SAFETY AWARD**

Tyson Dardanelle, Dardanelle

**THREE MILLION WORK HOURS  
SAFETY AWARD**

Pace Industries, Harrison  
Walmart Warehouse 8, Bentonville  
The Kraft Heinz Company, Ft. Smith

**TWO MILLION WORK HOURS  
SAFETY AWARD**

Trane Custom, Ft. Smith  
J.V. Manufacturing, Springdale  
Kinco Constructions, Inc., Little Rock

**ONE MILLION WORK HOURS  
SAFETY AWARD**

Tyson Foods, Nashville  
Tyson Foods, Inc. Springdale  
Tyson Foods, Waldron  
Trane Residential, Ft. Smith  
Pine Bluff Arsenal, Pine Bluff  
Butterball LLC, Ozark  
Clean Harbor, El Dorado  
Kennametal, Rogers  
Mars Petcare, Ft. Smith

**ACCUMULATIVE YEARS  
SAFETY AWARD**

Cargill Pork Feed Mill, Umpire  
20 years  
Wheeling Machine Products, Pine  
Bluff 1 year  
Southworth, Manila  
1 year  
Rockline Industries, Booneville  
4 years  
Crouse Logging Company,  
Sheridan 5 years  
Cobb-Vantress Inc., Summers  
7 years  
Sandy Rivers Farm, Morrilton  
8 years  
Lycus Ltd., LLC, El Dorado  
10 years  
Umpire Boar Stud, Umpire  
20 years  
CH2M, Fayetteville  
9 years  
Americold Logistics, Springdale  
2 years  
Levi Hospital, Hot Springs  
2 years  
Tyson Valley Maintenance,  
Russellville 10 years  
Paragould Light & Water,  
Paragould 1 year  
Rineco Chemical, Benton  
1 year  
Rinceo Transportation  
1 year  
Cherokee Farm, Gentry  
8 years  
El Dorado Roofing, El Dorado  
2 years

**SAFETY AWARDS  
Presented  
July 2015 - June 2016**

Accumulative Years Award .....	18
Safety Award of Merit .....	0
One Million Work Hours .....	9
Two Million Work Hours .....	3
Three Million Work Hours .....	3
Four Million Work Hours .....	0
Five Million Work Hours .....	1
Six Million Work Hours .....	1
Seven Million Work Hours.....	0
Eight Million Work Hours.....	0
Nine Million Work Hours.....	0
Ten Million Work Hours .....	0
Eleven Million Work Hours .....	0

**Total Awards Presented ..... 35**

**SAFETY AWARDS  
Presented  
July 1976 - June 2016**

Accumulative Years Award .....	576
Safety Award of Merit .....	219
One Million Work Hours .....	459
Two Million Work Hours.....	150
Three Million Work Hours.....	67
Four Million Work Hours .....	44
Five Million Work Hours.....	26
Six Million Work Hours.....	19
Seven Million Work Hours .....	13
Eight Million Work Hours .....	10
Nine Million Work Hours .....	8
Ten Million Work Hours.....	6
Eleven Million Work Hours.....	2

**Total Awards Presented ..... 1,600**

## STATEWIDE SAFETY CONFERENCES

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Each year the Occupational Safety and Health Consultation Division (OSHA Consultation) of Arkansas Department of Labor and the U.S. Department of Labor present a number of safety conferences across the state. Some of the conferences have an additional sponsorship for local safety associations or groups. During the 2016 fiscal year, 12 safety conferences were held in Ashdown, Batesville, Bentonville, Blytheville, El Dorado, Hope, Jonesboro, Pine Bluff, Little Rock, Russellville, and West Memphis. There were 1352 participants from 366 businesses in attendance.

These one-day conferences are designed primarily for hourly employees. The focus on the hourly worker and the low-cost of the program make these conferences unique. While supervisors, managers, foremen, and others are welcome to attend, the emphasis remains on reaching the hourly worker

Some of the topics covered in this year's conferences included hazard recognition; situational awareness/avoiding complacency; defensive driving; anger and stress management; drugs in the workplace; sprains and strains; violence in the workplace; and slips, trips and falls.

A number of specially-designed seminars were also held across the state to address specific safety and health issues. Topics included "How To Develop A Safety Program;" "Hazard Communication;" "Lockout/Tagout;" "General Safety;" "Blending Safety and Production;" and more.

The Arkansas Department of Labor, the federal Occupational Safety and Health Administration (OSHA) Area Office, and a host of other safety organizations continued an alliance that focuses on training employers and teen workers in fast food establishments and grocery stores, etc. In addition to state and federal OSHA, alliance members include:

- ◆ Arkansas Society of Safety Engineers
- ◆ Northwest Arkansas Chapter of Human Resource Management
- ◆ Black River Vocational Technical College
- ◆ Arkansas Volunteer Protection Program
- ◆ World Safety Organization
- ◆ South East Arkansas Resources and Safety Committee
- ◆ River City Safety and Environmental Council
- ◆ Southeast Arkansas Technical College
- ◆ Northwest Arkansas Safety Council

Additionally, the Arkansas Occupational Safety and Health Division (AOSH) held 9 safety conferences and seminars, as well as other training, across the state for state and local government employers and employees. A total of 4096 public sector employees participated in this training. Some of the subjects offered included Public Employees' Chemical Right To Know, Bus Shop Safety, Kitchen Safety, Trenching and Excavation, Bloodborne Pathogens



Programs, Ergonomics, Violence in the Workplace, Hazard Recognition, Slips/Trips/Falls, and General Safety.

## **MEDIA RESOURCE CENTER**

The OSHA Consultation Division also maintains a Media Resource Center at the Department of Labor.

This Resource Center or library contains DVDs and printed materials dealing with a variety of safety-related topics, in both English and Spanish. These resources are available to companies and individuals to borrow or use for training sessions and safety committee meetings at no charge. A catalog of DVDs is available on the Arkansas Department of Labor web page, organized by category with the title, run time, and a short description. A hard copy of the catalog can be mailed upon request.

Instructions and an order form for DVDs is available on the department's website. DVDs should be returned via a traceable source with a tracking number, such as UPS or FedEx.

The Resource Center also has a wealth of safety and health pamphlets, posters, predeveloped training programs and sample safety and health programs. Much of this material is also available on the department's website.

For more information, contact Alicia Evans at 501-682-4528, or email [alicia.a.evans@arkansas.gov](mailto:alicia.a.evans@arkansas.gov).

## **MEDIA RESOURCE CENTER USAGE**

<b>Month</b>	<b># of Videos</b>	<b>Public Sector</b>	<b>Private Sector</b>
<b>Jul. 2015</b>	<b>58</b>	<b>8</b>	<b>11</b>
<b>Aug. 2015</b>	<b>25</b>	<b>4</b>	<b>7</b>
<b>Sept. 2015</b>	<b>36</b>	<b>6</b>	<b>8</b>
<b>Oct. 2015</b>	<b>23</b>	<b>4</b>	<b>10</b>
<b>Nov. 2015</b>	<b>38</b>	<b>8</b>	<b>7</b>
<b>Dec. 2015</b>	<b>18</b>	<b>2</b>	<b>6</b>
<b>Jan. 2016</b>	<b>48</b>	<b>5</b>	<b>15</b>
<b>Feb. 2016</b>	<b>36</b>	<b>3</b>	<b>12</b>
<b>Mar. 2016</b>	<b>26</b>	<b>4</b>	<b>10</b>
<b>Apr. 2016</b>	<b>37</b>	<b>9</b>	<b>9</b>
<b>May 2016</b>	<b>22</b>	<b>4</b>	<b>9</b>
<b>Jun. 2016</b>	<b>22</b>	<b>5</b>	<b>11</b>
<b>Total:</b>	<b>389</b>	<b>62</b>	<b>115</b>

## OSHA CONSULTATION

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The OSHA Consultation Division provides compliance assistance to private sector employers or employer groups with respect to federal OSHA standards upon request. There is no charge for the services. It is primarily funded through a federal grant.

This program employs safety consultants and industrial hygienists who are OSHA-trained and have a broad range of expertise and experience. Priority for services is given to small, high-hazard businesses. The services may be limited or may include a comprehensive safety and health survey, depending on the needs and the request of the business. For example, an employer may request assistance with OSHA record-keeping requirements, or may request assistance with a particular hazard on a specific job site or project. Consultants conduct any necessary tests, such as air sampling or checking electrical continuity.

Upon completion of the survey and applicable tests, a written report is generated and sent to the employer. Upon receipt of the written report, the employer is required to correct all serious hazards identified by the consultant and notify the division once the corrections have been completed.

Additionally, the division offers informal training aimed at correcting deficiencies identified during the surveys. Training will be customized to fit the needs of the business. A wealth of material is available to employers for informational purposes or for staff development purposes. This material covers such topics as employee noise training, working in hot environments, hazard communication, personal protective equipment, construction safety, wire rope inspections, changing split rim tires, and OSHA record-keeping.

Research assistance on safety-related topics and issues is available by means of a national computer network, which provides current information on chemicals, industrial processes, and government regulations. Additional resources can also be found at [www.osha.gov](http://www.osha.gov).

**OSHA CONSULTATION  
ACTIVITY REPORT  
July 2015-June 2016**

<b>Total Employers Assisted.....</b>	<b>274</b>
<b>Total Employees Affected .....</b>	<b>13,914</b>
<b><u>Initial Visits</u></b>	
<b>Safety Consultant Visits .....</b>	<b>202</b>
<b>Health Consultant Visits .....</b>	<b>142</b>
<b>Total.....</b>	<b>344</b>
<b><u>Training &amp; Assistance Visits</u></b>	
<b>Safety Consultant Visits .....</b>	<b>7</b>
<b>Health Consultant Visits .....</b>	<b>29</b>
<b>Total.....</b>	<b>36</b>
<b><u>Follow-up Visits</u></b>	
<b>Safety Consultant Visits .....</b>	<b>7</b>
<b>Health Consultant Visits .....</b>	<b>29</b>
<b>Total.....</b>	<b>36</b>
<b>Total Safety Visits.....</b>	<b>214</b>
<b>Total Health Visits.....</b>	<b>183</b>
<b>Grand Total Visits .....</b>	<b>397</b>
<b><u>HAZARDS IDENTIFIED</u></b>	
<b>Serious Hazards Identified .....</b>	<b>1,118</b>
<b>Other-Than-Serious Hazards Identified.....</b>	<b>71</b>
<b>Regulatory Hazards Identified .....</b>	<b>93</b>
<b>Grand Total Hazards Identified.....</b>	<b>1,282</b>

The OSHA Consultation Division was extremely proud to receive two awards this fiscal year.

On April 15, 2016 the division received the Region VI Outreach Award from the U. S. Department of Labor, OSHA Region VI for working with OSHA to facilitate the first Amputation Stand Down in the nation, resulting in 16,451 participants receiving amputation awareness training, 2723 self-audits being conducted, 3380 amputation hazards identified and 7416 workers removed from identified amputation hazards.

On May 18, 2016 the division received a 2016 OSCAR Award (On-site Consultation Achievement Recognition) from the national OSHA office for significant contribution to promote safe and healthful workplaces in the small business community.

## **SHARP/VPP**

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Employers who have exemplary safety and health management systems may qualify to be placed in the federal recognition and exemption program called SHARP (Safety and Health Achievement Recognition Program). Employers who achieve SHARP status receive an exemption from OSHA's general programmed inspections for one year. If they qualify for a SHARP renewal, the exemption can be extended for up to two years. In the first year that a company or organization qualifies for SHARP, it receives a special certificate from the federal OSHA program, a plaque, and a SHARP banner or flag from the state Consultation program recognizing its outstanding safety and health program.

During the 2016 fiscal year, there were 40 organizations participating in the SHARP program. The eleventh annual SHARP/VPP conference sponsored by the Arkansas SHARP/VPP Association was held September 17, 2015, and 205 participants from 58 companies attended. Monthly SHARP/VPP meetings were held at the Department of Labor and at several other locations.

# AOSH (ARKANSAS OCCUPATIONAL SAFETY & HEALTH)

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The AOSH (Arkansas Occupational Safety & Health) Division is responsible for enforcing Arkansas's laws dealing with occupational safety and health at facilities not covered by federal OSHA. This is primarily state and local government workplaces. This division investigates complaints, accidents, and fatalities in public sector workplaces and conducts inspections to identify violations of Arkansas safety and health regulations. The staff also conducts training and provides compliance assistance. This includes responsibility for the administration and enforcement of the Public Employees' Chemical Right To Know Act, Arkansas Code §8-7-1001 *et seq.*, and the related administrative rules. The purpose of this law is to provide public employees with information and training concerning hazardous chemicals with which they may work.

To obtain information or compliance assistance, contact AOSH Public Sector Supervisor Mike Watson at 501-690-5271, or email him at [mark.lawrence@arkansas.gov](mailto:mark.lawrence@arkansas.gov).

AOSH is aggressively involved in promoting safe and healthful work practices 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.

## AOSH PUBLIC SECTOR SUMMARY July 2015-June 2016

### AOSH Compliance Section Public Sector Accident Investigations

Accident Investigations ..... 10

#### Fatality Investigations

Fatality Investigation ..... 2

#### Complaint Investigations

Complaint Investigations ..... 38

### AOSH Consultation Inspections Public Sector

Consultation Visits ..... 156

#### Training Conducted

Seminars ..... 6

Formal Training (Less Than 3 Hours)..... 95

Conferences ..... 3

Total Attendees ..... 4096

#### Amusement Ride Inspections

Number Of Rides Inspected..... 4380

Total Items Cited ..... 738

Total Companies Inspected ..... 484

#### Blasting Services

Complaints Investigated ..... 0

Blasting Cards Issued - Class Attendance ..... 72

Total Certificates Issued This Fiscal Year ..... 210

Blasting Cards Issued Through Reciprocity ..... 138

8-Hour Blasting Classes Conducted ..... 2

Employees from the public sector can call the AOSH Division with complaints or questions. In many cases, an inspector will visit the worksite. AOSH also conducts routine inspections of public schools, cities, counties, colleges, universities and state agencies free of charge.

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 of each situation. When hazards are identified, they are classified as “posing imminent danger,” “serious” or “other than serious.” AOSH consultants then provide information regarding specific conditions (hazards), and the associated laws, standards or codes of reference related to them. They also recommend what, if any, corrective actions should be taken to eliminate the hazards.

AOSH works to promote a “safety culture” at public sector worksites through its seminars and conferences throughout the year.

For information about AOSH in general, contact the AOSH Division Manager Kevin Looney at 501-682-4986, or e-mail [kevin.looney@arkansas.gov](mailto:kevin.looney@arkansas.gov).

## **MINE SAFETY & HEALTH ADMINISTRATION (MSHA)**

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The Mine Safety and Health Administration (MSHA) training program assists mining companies and contractors in complying with federal mine safety and health laws. This is accomplished by the preparation of training plans, the actual training of workers, and the review of training records.

Three ADL employees work with federal MSHA inspectors to ensure that assistance is available to any Arkansas mine operator, miner, or contractor who requires it. Classes can be scheduled at our facility or at the company’s facility.

During the 2016 fiscal year, the MSHA staff conducted 268 classes on various safety and health issues and trained 2,765 persons.

**MSHA Training Classes  
July 2015- June 2016**

<b>Courses</b>	<b>No. of Classes</b>	<b>Total Attendance</b>
MSHA Annual Refresher	84	1,168
MHSA New Miner	26	199
First Aid	68	699
CPR	68	699
<b>TOTAL</b>	<b>268</b>	<b>2,765</b>

Currently, the cost is \$200.00 per day for five or fewer participants and \$40.00 per person per day for six or more participants.

The MSHA training program also provides **general safety courses** for any group, organization, or business. The cost for First Aid and CPR classes is \$200.00 per day for five or fewer participants and \$40.00 per person per day for six or more participants. Classes can be scheduled at our facility or at the company's facility.

During the 2014-2015 fiscal year, the staff conducted 136 general safety classes, training 1,398 individuals. For more information on the MSHA training program, or general safety courses, contact Susan Weaver at 501-682-4520 or email her at [susan.g.weaver@arkansas.gov](mailto:susan.g.weaver@arkansas.gov).

**General Safety  
Classes  
July 2015 - June 2016**

<b>Courses</b>	<b># of Classes</b>	<b>Total Attendance</b>
First Aid	68	699
CPR	68	699
<b>TOTAL</b>	<b>136</b>	<b>1,398</b>

# OCCUPATIONAL SAFETY AND HEALTH STATISTICS

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The Arkansas Department of Labor administers two statistical programs through a grant/agreement with the U. S. Department of Labor, Bureau of Labor Statistics (BLS). The first program, known as the Survey of Occupational Injuries and Illnesses (SOII), involves collecting data from a random sample of both public and private employers. The data collected from this survey includes annual average employment, total hours worked, and injury and illness totals for the State of Arkansas. Demographic and case characteristic data are provided for work injury cases that involve one or more day away from work. For 2014, 2.6 work-related injuries and illnesses were reported for every 100 full-time workers in private industry in Arkansas, down from 3.0 in 2013. Sprains and strains accounted for 35.7% of the work-related injuries and illnesses that required day(s) away from work for 2014. For the public sector, there were 3.7 work-related injuries and illnesses reported for every 100 full-time workers in 2014, down from 4.7 in 2013.

The second statistical program is known as the Census of Fatal Occupational Injuries (CFOI). This program collects data to produce comprehensive, accurate, and timely counts of fatal work injuries in the State of Arkansas. To compile counts that are as complete as possible, the census uses multiple sources to identify, verify, and profile fatal worker injuries. Information about each fatal workplace injury – occupation and other worker characteristics, equipment involved, and circumstances of the event – is obtained by cross-referencing source records such as death certificates, workers' compensation reports, and federal and state agency administrative reports. In 2014, 67 workers lost their lives in Arkansas, up from 63 in 2013.

The division compiles data issued annually for the preceding calendar year. Safety and health policy analysts and researchers use this information to help prevent fatal work injuries by:

- Informing workers of life threatening hazards associated with various jobs.
- Promoting safer work practices through enhanced job safety training.
- Assessing and improving workplace safety standards.
- Identifying new areas of safety research.

For more information or copies of the publications of SOII or CFOI statistics, contact Don Cash at 501-682-4542 or

visit our website at [www.labor.ar.gov](http://www.labor.ar.gov).

### Work-Related Fatalities In Arkansas

1992.....	82
1993.....	71
1994.....	85
1995.....	91
1996.....	88
1997.....	102
1998.....	86
1999.....	76
2000.....	106
2001.....	68
2002.....	80
2003.....	87
2004.....	70
2005.....	80
2006.....	78
2007.....	89
2008.....	85
2009.....	75
2010.....	88
2011.....	93
2012.....	63
2013.....	63
2014.....	67



In January, 2016, the manager of the Occupational Safety and Health Statistics Program was recognized by the Bureau of Labor Statistics, U. S. Department of Labor for his work on the development and presentation of the Census of Fatal Occupational Injuries Workshop at the 2016 National Training Conference.



# Code Enforcement

The Arkansas Department of Labor is responsible for protecting the public from hazards associated with the installation, use, and operation of boilers, elevators, and amusement rides, as well as the activities of electricians and individuals involved in certain blasting operations. This is accomplished through, licensing, permitting, and inspections focused on the enforcement of relevant codes.

## BOILER SAFETY

The Boiler Safety Division 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. Its primary objective is the prevention of boiler and pressure vessel accidents, which might cause loss of life, personal injury or extensive property damage. It is self-supporting and relies on fees approved by the legislature for inspection work performed and services rendered.

The Department of Labor has adopted of various codes formulated by the American Society of Mechanical Engineers (ASME), and the National Board of Boiler and Pressure Vessel Inspectors. In addition, the Boiler Safety Division participates in 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.

<b>BOILER INSPECTION DIVISION</b>	
<b>JULY 2015-JUNE 2016</b>	
<b>INSPECTIONS PROCESSED</b>	
STATE BOILER INSPECTIONS	3,722
INSURED BOILER INSPECTIONS	13,496
SHOP INSPECTIONS/SHOP	
INSPECTION SERVICES	25
ANHYDROUS AMMONIA	
INSPECTIONS	0
<b>MISCELLANEOUS CHARGES PROCESSED</b>	
BOILER OPERATOR EXAMINATION	
CHARGES	114
<b>LICENSES ISSUED</b>	
BOILER OPERATOR LICENSES	6,181
INSPECTOR	
COMMISSIONS/CERTIFICATES OF	
COMPETENCY	133
SELL/INSTALLATION LICENSES	412
REPAIR LICENSES	266
<b>PERMITS ISSUED</b>	
PERMITS TO INSTALL BOILERS AND	
PRESSURE VESSELS	737
PERMITS TO INSTALL PRESSURE	
PIPING	14
REPAIR/ALTERATION PERMITS	186
<b>FEES COLLECTED/DEPOSITED</b>	
TOTAL DEPOSITS	\$874,758.46

The Boiler Safety Division also administers the licensing program for installers, repair firms, boiler operators, and boiler inspectors employed by insurance companies. State boiler inspectors handle a number of inspections, including mandatory inspections on those vessels who fail to obtain an inspection from their insurance company.

Compliance assistance is provided, particularly with respect to the technical codes adopted by the agency. Other services include:

- Administering examinations to qualified applicants and issuing boiler operator licenses;
- Issuing installation permits, repair permits, and pressure piping permits;
- Issuing installation licenses and repair licenses;
- Issuing certificates of operation for boilers and pressure vessels;
- Issuing certificates of competency to commissioned inspectors;
- Assisting insurance inspectors;
- Assisting firms, individuals, & companies that contact or visit the Boiler Inspection Division office;
- Conducting accident investigations;
- Evaluating requests for code variances;
- Conducting ASME and National Board certificate reviews; and
- Conducting state and ASME code shop inspections as well as field inspections upon request.

## **BOILER SAFETY ADVISORY BOARD**

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The Boiler Advisory Board was created to assist in the formulation of rules and regulations for the construction, installation, inspection, repair, and operation of boilers, unfired pressure vessels and their appurtenances, and of pressure piping in the state. 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 for Arkansas citizens.

The Governor appoints the Board, and the Director of the Department of Labor or his designee serves as the ex officio chair. The Board members represent insurance companies that inspect and insure boilers and pressure vessels, operating engineers, owners and users of boilers and pressure vessels, and boiler manufacturers.

The Boiler Advisory Board members as of June 30, 2016 were:

- Richard Millé**, representing boiler manufacturers;
- Stephen Case**, representing operating engineers;
- Carlos Nagel**, representing boiler users;
- William Adkins**, representing insurance companies insuring boilers.

## ELECTRICAL LICENSING

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The Arkansas Board of Electrical Examiners was created in 1979 by the Arkansas General Assembly. The board has general regulatory authority over the licensing of electricians, including master and journeyman electricians, residential master and residential journeyman electricians, air-conditioning electricians, industrial maintenance electricians and sign specialists. The board is also responsible for licensing local government electrical inspectors.

Additionally, the Arkansas Electrical Code Authority Act, Arkansas Code Annotated §20-31-101 *et seq.*, authorizes the board to adopt administrative rules to establish statewide minimum standards for the performance of electrical work in Arkansas. The National Electrical Code, 2014 edition of the National Fire Protection Association, with minor revisions, is the current standard for the construction, installation and maintenance of electrical facilities and the performance of electrical work.

It is the board's duty to adopt administrative rules for licensing and the technical standards for electrical work; to conduct licensing examinations; and to grant, revoke or suspend licenses. It is the duty of the Arkansas Department of Labor to administer and enforce the licensing and inspection program as provided by statute and the rules of the board. The board may suspend or revoke an electrician's license for a number of causes, including violations of the National Electrical Code, as adopted.

A state-issued electrician's license is required to perform any electrical work in Arkansas. Cities often require permits and inspections, and may also require compliance with specific building or construction codes. Additionally, apprentices must be registered with the board. An applicant for a state electrician's license must pass a written examination approved by the board, in addition to meeting certain experience or education requirements. Examinations are administered in Little Rock, Fayetteville, El Dorado, Conway, Paragould, and Fort Smith. The Arkansas Board of Electrical Examiners issued a total of 10,381 licenses this fiscal year.

## BOARD OF ELECTRICAL EXAMINERS

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The nine-member Board of Electrical Examiners consists of eight persons appointed by the Governor, with the ninth member being the Director of Labor or his authorized representative. The following persons were members of the Board of Electrical Examiners on June 30, 2016.

**Danny King**, Chair, representing city inspectors;  
**Charlotte Bradley**, Vice Chair, representing private utilities;  
**Robert Unwar**, representing contractors;  
**Todd Hopwood**, representing public utilities;  
**Roger Scott Polston**, representing the public;  
**Charles Carrington**, representing electricians;  
**Benjamin "Rusty" Mullen**, representing engineers;  
**George Taylor**, representing the elderly; and  
**Leon Jones, Jr.**, Director of Labor

**BOARD OF ELECTRICAL EXAMINERS**  
**Licenses Issued or Renewed— July 2015-June 2016**

License Renewals	10393
Licenses Issued:	
Master	2423
Journeyman	2667
Residential Master	189
Residential Journeyman	158
Temporary Master	12
Temporary Journeyman	698
Electrical Apprentice	3336
Industrial Maintenance	571
AC Electrician	45
Sign Specialist	73
Electrical Inspector	209
Inspector Conference Attendees	199
CMP's collected	\$14,550.00
INA Payments	\$60,475.00
Total Deposits	\$341,345.00

## **ELEVATOR SAFETY**

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The Elevator Safety Board was created by Act 189 of 1963, Ark. Code Ann. §20-24-105, and given regulatory authority over the construction, alteration, repair, maintenance, operation and inspection of elevators, escalators, moving sidewalks, dumbwaiters, and wheelchair lifts. The board also oversees the licensure of elevator inspectors, elevator mechanics, and elevator contractors. The Department of Labor is charged with the enforcement of the state's laws regarding elevator safety, as well as the administrative rules of the board.

An elevator owner or lessee is required to obtain an annual or biannual inspection from a licensed elevator inspector. The elevator inspector submits a report that reflects the operating status of the elevator, including any unsafe conditions to the Elevator Safety Section. Correction of any deficiencies is required in order for the owner or operator to obtain a certificate of operation, or operating permit. Periodic safety tests are also required, depending on the type of conveyance.

Invoices and license renewals can be paid online at [www.labor.ar.gov](http://www.labor.ar.gov).

For more information on the Elevator Safety Section, call Debbie Probst at 501-683-5475, or e-mail her at [debbie.probst@arkansas.gov](mailto:debbie.probst@arkansas.gov).

### **ELEVATOR SAFETY 2016 Statistical Summary**

Acceptance Tests	135
Acceptance Test Re-inspections	11
Witness Test	263
Certificates of Operation	5005
Licenses Issued	263
Alteration Permits	55
Installation Permits	117
Total Deposits	\$357,980.00

## **ELEVATOR SAFETY BOARD**

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The Elevator Safety Board consists of five members. The Director of the Department of Labor serves as chair, 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 Division.

The following were members of the Elevator Safety Board on June 30, 2016:

**Leon Jones, Jr.**, Chair, Director of Labor;  
**Raymond Styers**, representing manufacturers;  
**Mike Campbell**, representing the elevator union;  
**Colin Caldwell**, representing insurers; and  
**Dru English**, representing owners and lessees.

## **AMUSEMENT RIDE INSPECTION**

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The Arkansas Occupational Safety and Health Division (AOSH) has responsibility for more than just public sector occupational safety and health. It is also responsible for enforcing state law regarding the safety of amusement rides and attractions. Department inspectors are trained and certified by the National Association of Amusement Ride Safety Officials, (NAARSO).

Permanent rides or attractions must be inspected every 6 months. Portable rides and attractions, with some exceptions for such things as climbing walls and inflatables, must be inspected every time they are set up in a new location. Each ride must be insured in the minimum amount of \$1,000,000 per incident or occurrence.

Total number of site inspections:	484
Total number of violations:	738
Total number of companies inspected:	182
Total number of rides inspected:	4380

For more information, contact Mark Lawrence by phone at 501-690-8774, or by email at [mark.lawrence@arkansas.gov](mailto:mark.lawrence@arkansas.gov).

## **AMUSEMENT RIDE SAFETY ADVISORY BOARD**

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The duty of the Amusement Ride Safety Advisory Board is to assist the Director of Labor with the formulation of rules and regulations regarding the safe operation of amusement rides, and to give the Department of Labor such counsel and advice as will aid it in the proper enforcement and administration of the law.

The Director of Labor and the Director of the Department of Parks and Tourism serve by virtue of their position. The other members of the board are appointed by the Governor. Members of the Amusement Ride Safety Advisory Board as of June 30, 2016 include:

**Leon Jones, Jr.**, Director of Labor, and ex officio chair

**Kane Webb**, Director of Arkansas Parks & Tourism

**Johnny Miller**, representing owners/operators of portable amusement rides

**Jessyka Hanna**, representing owners/operators of permanently placed rides

**Weldon Wynn**, representing fair managers

## **BLASTING**

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The Quarry and Open Pit Mine Blasting Control Act of 1995, Arkansas Code §§20-27-1101 *et seq.*, established restrictions and limits on blasting at quarries and open pit mines. The Department of Labor is charged with the administration and enforcement of the law. To that end, the AOSH Division provides consultation to operators, property owners, and the general public concerning complaints related to blasting. The division may conduct seismograph monitoring of blasting sites in certain circumstances. Additionally, most individuals conducting blasting in Arkansas, regardless of whether it is at a quarry or open pit mine, are required by state law to obtain certification of qualification and attend a blasting safety training course. Arkansas Code § 20-27-1102 and Safety Code No. 13. For more information about blasting, contact Kevin Looney at 501-682-9091, or e-mail him at [kevin.looney@arkansas.gov](mailto:kevin.looney@arkansas.gov).





# Labor Standards

The Labor Standards Division enforces the minimum wage, overtime pay, and recordkeeping requirements of the Arkansas Minimum Wage Act, Arkansas Code § 11-4-201 *et seq.* Additionally, this division administers and enforces the state’s child labor laws; the prevailing wage law; the Private Employment Agency Act. The division also administers a wage claim program pursuant to Arkansas Code §11-4-301 *et seq.*, to help resolve wage disputes that do not exceed \$2000. Other state laws enforced by this division include the law on breaks for nursing mothers; the law regarding the costs of medical exams and drug tests required as a condition of employment; and the prohibition against requiring an employee to provide an employer access to the employee’s social media account. The Labor Standards staff also provides public information and compliance assistance.

## WAGE AND HOUR

Wage complaints and wage claims are investigated by field staff located throughout the state. Additionally, the division issues employment certificates for the employment of minors, student learner permits, and certificates of eligibility. Certificates of eligibility authorize employers to pay full time students 85% of the state minimum wage rate provided that the student works no more than 20 hours per week when school is in session and no more than 40 hours per week when school is not in session.

## WAGE & HOUR July 2015-June 2016

### Wage & Hour/Child Labor

Investigations	458
Number of Employees	6,918
Number of Interviews	970
Number of Violations	210

### Determinations

Minimum Wage	\$ 153,395.46
Overtime	\$ 299,206.56
Civil Money	\$ 500.00
<b>Total Determined</b>	<b>\$ 453,102.02</b>

### Collections

Minimum Wage	\$ 35,476.72
Overtime	\$ 214,505.42
Civil Money	\$ 500.00
<b>Total Collections</b>	<b>\$ 249,982.14</b>

**Student Certificates (85% MW)** 18

**Minor Work Permits Issued** 1281

### Wage Claims

		Dollar Amount
Claims Filed	478	\$ 367,368.25
Claims Closed	306	\$ 237,141.43
Claims Collected	112	\$ 38,807.18
Claims Disbursed	105	\$ 38,703.81
Referred to Legal	62	\$ 52,982.74
Referred to Hearing	08	\$ 2,979.08

Registered Private Employment Agencies 167 +48 from previous fiscal year

This division investigates claims for unpaid wages where the amount in controversy is no more than \$2000. This includes sick and vacation pay, holiday benefits, commissions, shortages, cash advances, damaged property charges, and other unauthorized deductions from employees' wages.

Complaints and wage claims may be filed electronically via the Arkansas Department of Labor's website. All services are free of charge.

## **PRIVATE EMPLOYMENT AGENCY**

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The Labor Standards Division is also responsible for administering the Private Employment Agency Act, Arkansas Code §11-11-101 *et seq.* The law covers all private employment agencies that operate in Arkansas and charge a fee to the applicant. Agencies are licensed only after bonding and examination requirements have been met. The agency must also demonstrate business integrity and financial responsibility.

All agency owners, managers, and counselors are required by law to pass a qualifying examination. They are also required to maintain records regarding refunds due to applicants, agency newspaper advertisements, applicant referrals, job orders solicited from clients, and all agency business transactions. These records are then subject to review by the division.

The law also has a number of consumer protection features, including a provision that a prorated fee reimbursement if an applicant leaves a job for any reason within the first 90 days of employment. The law also prohibits agencies from charging applicants a fee for any service other than actually being placed on a job.

## **PREVAILING WAGE**

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The Arkansas prevailing wage law, Arkansas Code §§ 22-9-301 through -315 is also administered and enforced by the Labor Standards Division. This includes the responsibility 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. The minimum prevailing wage rate established must be paid to all workers employed by or on behalf of any public body engaged in the construction of public works. The law authorizes the Director of Labor or his representatives to investigate any alleged violation.

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 notify the Department of Labor and obtain a prevailing wage determination for the project. The public body must also include in the specifications for 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 §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" refers to all works constructed for public use, whether

under public supervision, public 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.

The prevailing wage survey begins in August or September of each year. Once the survey is completed, the results are reviewed by the Prevailing Wage Advisory Committee. New prevailing wage rates are certified by the Department of Labor on or about July 1 of each year.

During the fiscal year ending June 30, 2016, the Labor Standards Division issued 683 wage determinations for projects with estimated values totaling \$639,925,944.39. A total of 24 prevailing wage investigations were completed during the fiscal year.

## **PREVAILING WAGE ADVISORY COMMITTEE**

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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 following individuals served as members Prevailing Wage Advisory Committee during fiscal year 2016.

**Leon Jones, Jr.**, Director, Arkansas Department of Labor  
**Anne Laidlaw**, Director, Arkansas Building Authority  
**Robert Garmoe**, representing workers  
**David Stephens**, representing workers  
**Rickey Jeu**, representing workers  
**Tanif Crofts**, representing workers  
**Kevin Coakley**, representing workers  
**Marilyn Edwards**, representing local government  
**Tyler Denton**, representing local government  
**James Alessi**, representing contractors

## **MEDIATION AND CONCILIATION**

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The Arkansas Mediation and Conciliation Service provides assistance to management and labor in the event of a labor dispute. The Federal Labor Management Relations Act of 1947 requires all parties wishing to amend or terminate a collective bargaining agreement to notify both state and federal mediation authorities of their intent. The State Mediator's responsibility is to then promote peace and harmony in employer/employee relations by encouraging voluntary mediation between parties, to avoid lockouts, boycotts, blacklists, discrimination, and legal proceedings.

State mediation services are free of charge. All information obtained during negotiations is strictly confidential by state law. During the 2015-2016 fiscal year, the state mediator received notices from 41 local unions and employers of contract negotiations, was involved in 18 contract negotiations and/or mediation sessions, and 18 employer/employee training or conference sessions. The mediator also served as a member of the Arkansas Labor/Management Conference planning committee.

Additionally, the state mediator served as a hearing officer for wage claims, and also served as the agency's Emergency Management Liaison Officer.



The Administrative Services Division includes Finance, Human Resources, Information Technology, and Legal. These sections provide a wide variety of support services for the entire agency.

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## **FINANCE**

Managing the agency's annual budget of approximately \$7.5 million is one of the primary responsibilities of the Finance 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.

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## **HUMAN RESOURCES**

The Human Resources Section provides services that include recruitment and hiring; new employee orientation; performance management; payroll; benefits enrollment and administration; employee training; policy development and retirement administration. The section manages personnel records, as well as time; FMLA and other leave programs. Additionally, technical assistance is provided to management and employees relating to compliance with federal and state employment laws, agency policy and grievance facilitation.

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## **INFORMATION TECHNOLOGY**

The Information Technology Section is responsible for planning, designing, implementing, installing, and maintaining the agency's computer network and all associated components. This includes providing technology solutions, administration and support for more than one hundred desktop PCs and portable PCs, agency servers and all supporting network equipment, as well as software.

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## **LEGAL**

The Legal Section handles the agency's litigation, and provides other legal services to the agency and its regulatory boards. These services include analyzing and monitoring proposed legislation, drafting administrative rules, and providing legal advice to the agency's enforcement staff. Additionally, the legal staff serves as a source of information for the general

public regarding Arkansas labor and employment laws.

Much of the litigation handled by the Legal Section relates to the enforcement of state wage laws, including the state's minimum wage and overtime law. Other work may involve administrative law issues such as licensing, permitting or other enforcement activities relating to such operations as boilers, amusement rides and elevators.

Collections by the Legal Section for the 2015-2016 fiscal year totaled \$89,531.23.