PARTNERSHIP FORGED BETWEEN TWO AGENCIES

The U.S. Department of Labor Wage and Hour Division and the Labor Standards Division of the Arkansas Department of Labor signed a Memorandum of Understanding on September 14, 2010 in order to improve the collaborative relationship between the two agencies. The goal of more effective and efficient communication and cooperation will result in improved services to the citizens of Arkansas in terms of wage and hour compliance and education activities.

The agreement anticipates that the two agencies will, among other things, cross train investigators, provide joint compliance assistance materials and information, and increase access to training resources in order to protect Arkansas workers. It is also anticipated that the agencies will conduct joint investigations and share information as appropriate.

The Arkansas Department of Labor’s 2009-2010 Fiscal Year has come to a close and it’s time to assess our accomplishments. While some figures were down for the year, there were many notable high notes to be acknowledged.

Thirteen more companies earned safety awards this year because of outstanding achievements in workplace safety, bringing the total to 54.

Over 1,400 workers from 433 companies attended safety conferences held in 12 cities across the state.

Nine hundred thirty videos on safety and health issues were borrowed free of charge by over 250 companies from our Media Center.

OSHA consultants assisted 462 companies in complying with federal OSHA requirements, and 2,858 hazards were identified.

Inspections of public sector workplaces by our Arkansas Occupational Safety and Health staff were up for the year, as were the number of training classes they conducted.

Three thousand six hundred amusement rides were inspected this year over last, and
over 3,000 items were cited. One hundred nineteen individuals doing blasting in our state were trained this year and 212 blasting cards were issued.

Our MSHA Division conducted 615 mining and general safety classes for 5,376 participants across the state. After conducting a survey of thousands of Arkansas employers, the OSH/CFOI Division determined there were 85 work-related fatalities in calendar year 2008, in addition to 4.5 work-related injuries and illnesses for every 100 full-time workers.

Over 500 code violations were found by State and Insurance Boiler Inspectors in our state. The Division issued 6,157 boiler operator licenses and State boiler inspectors conducted 4,803 inspections this fiscal year.

The Electrical Licensing Division issued a total of 9,601 licenses this year to electricians across the state.

Our Labor Standards Division collections for this fiscal year totaled $267,485 in minimum wage and overtime back wages, penalties, and child labor civil money penalties. They also collected over $36,000 in back pay and returned it to workers filing claims for unpaid wages.

As a result of investigations, the Prevailing Wage Division collected $57,178 in back wages for 142 workers in the state.

Our state mediator participated in 52 contract negotiations this year.

Our Legal Division collected $16,689 this year, $16,689 more than last year’s figures.

Nearly 28,000 newsletters were mailed to workers in Arkansas and over 5,100 more were emailed during the 2009-2010 fiscal year.

The employees of the Arkansas Department of Labor take pride in providing these services to Arkansas citizens. For more information on our services or to receive a copy of the 2010 Annual Report, call 501-682-4537 or visit our website at www.arkansas.gov/labor.

Q. I was fired from my job for no good reason. What can I do?

A. Arkansas recognizes the doctrine of "employment at will". This means that, as a general rule, either the employer or the employee may end the employment relationship at any time for any reason or for no reason at all. There are, however, a number of exceptions to this general rule under state and federal law.

For example, state and federal law prohibit an employer from firing an employee on the basis of age, sex, race, religion, national origin or disability. Also, a woman cannot be fired because she is pregnant or has had an abortion. The Equal Employment Opportunity Commission administers the federal discrimination laws.

If a collective bargaining agreement or union contract covers an employee, that agreement will typically provide some protection against arbitrary termination. State and federal law also provides some protection in the areas of garnishment, wage withholding, and wrongful discharge of an employee whose employment is for a definite period of time. The federal Family and Medical Leave Act provides certain employees with up to 12 weeks of unpaid, job-protected leave per year for certain family and medical reasons. State law may also provide a legal remedy when an employee has relied on a written promise that he will be terminated only for cause or for good reason, and was subsequently terminated arbitrarily. Additionally, state law may provide protection where an employee is fired in violation of a clear public policy. This would include employees discharged for such things as refusing to break the law; serving on jury duty; obeying a subpoena; or reporting a suspected violation of state or federal law. There are also a number of "whistle-blowing" laws.

This is a changing area of the law and any answer is very dependent on the facts in any given circumstance. As a result, it is wise to consult an attorney with respect to any specific situation.
The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has cited an Arkansas plumbing company with safety violations following an inspection at the company’s worksite on Central Avenue in Hot Springs. Proposed penalties total $46,975.

“Employers must implement safeguards against cave-ins when working in trenches to prevent injury or even death,” said Carlos Reynolds, area director of OSHA’s Little Rock Area Office. “It is fortunate in this case that no one was injured.”

OSHA’s Little Rock Area Office began its investigation on June 16 after an agency inspector observed an employee working on installing storm drains at the company’s worksite in Hot Springs. The investigation yielded a willful citation for not properly shoring or benching an excavation. A willful violation is one committed with intentional, knowing or voluntary disregard for the law’s requirements, or with plain indifference to employee safety and health.

OSHA issued three serious violations for failing to provide training on hazards associated with excavation cave-ins, to ensure employees were wearing the required personal protective equipment and to provide a ladder for egress during excavation activities. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The company had 15 business days from receipt of the citations to comply, request an informal conference with OSHA’s area director in Little Rock, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

The Arkansas Department of Labor Consultation Division has prepared their staff through specialized training to assist establishments that are being targeted by federal OSHA. OSHA National Emphasis Program on Amputations has targeted oil and gas operations, grain operations, and the construction and logging industries to identify and reduce workplace machinery and equipment hazards which are causing or likely to cause amputations.

Additionally, OSHA has developed a National Emphasis Program to identify and reduce or eliminate hazards associated with exposure to combustible dust, lead, hexavalent chromium, and food flavoring manufacturers. If your company or establishment falls into one of these categories and would like to use our services, contact Safety Supervisor Jim Pumphrey or Industrial Hygiene Supervisor Tonia Cooper at the Arkansas Department of Labor, (501) 682-4523.

The services of the Arkansas Department of Labor are free but must be requested by the employer. These inspections are confidential and will not be shared with the U.S. Department of Labor OSHA Compliance.
NEW VIDEOS AVAILABLE FOR LOAN FREE OF CHARGE FROM ADOL MEDIA RESOURCE CENTER

In connection with OSHA’s Emphasis Program, the following DVDs will soon be available for loan free of charge from the Arkansas Department of Labor's Media Resource Center!

- Logging Safety in Construction
- Heat Stress in Construction
- Winter Safety
- Cold Stress
- Shipping and Handling
- The Brad Livingston Story

If you would like additional information on borrowing from our Media Resource Center, contact Nita Matlock at (501) 682-9090 or email juanita.matlock@arkansas.gov.