

**ARKANSAS DEPARTMENT OF LABOR
CHILD LABOR REGULATIONS
LABOR STANDARDS DIVISION**

SECTION 1. Amend Regulation 2.501 to read as follows:

“2.501 Children Under Eighteen (18)

(a) No child under the age of eighteen (18) shall be employed, permitted or suffered to work:

- (1) more than six (6) days in any week;
- (2) more than fifty-four (54) hours in any week;
- (3) more than ten (10) consecutive hours in any day;
- (4) more than ten (10) hours in a twenty-four hour period; or
- (5) before 6:00 a.m. or after 11:00 p.m., except that children ages sixteen (16)

and seventeen (17) years may be employed until 12:00 midnight on nights preceding nonschool days.

(b) Children ages sixteen (16) years and seventeen (17) years of age may be employed between the hours of 12:00 midnight and 6:00 a.m. on nights preceding nonschool days, except in the occupations or circumstances listed below and provided the work is not otherwise prohibited by state or federal law:

- (1) in any convenience or retail store of less than 4500 square feet;
- (2) in any restaurant, except that a sixteen (16) or seventeen (17) year old may

work in a locked restaurant or fast-food restaurant if only the drive-through window is open to the general public;

(3) in any business where a child would be working without direct supervision by an adult 21 years of age or older;

(4) in any business which serves alcohol;

(5) in any business which provides adult entertainment, including nude or topless entertainment;

(6) at any truck stop or service station;

(7) at any race track or gambling establishment;

(8) as a security guard;

(9) as a delivery person; or

(10) in violation of any local curfew ordinance.

(c) For the purpose of determining compliance and assessing penalties, the department shall enforce the prohibition against more than ten (10) hours of work in a 24-hour period provided by Ark. Code Ann. § 11-6-110(4) and this Rule 2.501(a)(4), in the following manner:

(1) If a child sixteen (16) or seventeen (17) years old has a rest break between shifts or periods of work of at least ten (10) hours, the department will determine compliance by the hours worked between midnight of one calendar day and midnight of the following calendar day.

(2) If a child sixteen (16) or seventeen (17) years old does not have a rest break between shifts or periods of work of at least ten (10) hours, the department will determine compliance by the hours worked in any 24-hour period. “

SECTION 2. The effective date of this regulation is December 1, 2005.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: ARKANSAS DEPARTMENT OF LABOR

DIVISION: LABOR STANDARDS DIVISION

PERSON COMPLETING THIS STATEMENT: DENISE P. OXLEY

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To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Agency #010.14, Rule 2.501, Children Under Eighteen (18)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain:
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total -0-

Total -0-

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ --

\$ --

There is no cost with respect to compliance with the rule. There would be a cost if the rule is not adopted. If the rule is not adopted 16 & 17 year olds who currently work until 12:00 midnight

on nonschool nights will be restricted to working only until 11:00 p.m. This will reduce their hours on weekends, as well as require employers to replace these teen workers. Additionally, the rule will allow 16 and 17 year olds to work in a number of occupations between the hours of 12:00 midnight and 6:00 a.m. This has never been available for teens and employers, but was made possible by Act 939 of 2005.

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-