

A wooden gavel with a dark handle and a light-colored head, resting on a stack of three old, leather-bound books. The books are stacked on a wooden surface. The background is a soft, warm, yellowish-brown color.

ARKANSAS LAWS RELATING TO LABOR

October 2008

Arkansas Department of Labor
10421 West Markham ▪ Little Rock, Arkansas 72205-2190
(501) 682-4500 ▪ TDD (800) 285-1131 ▪ FAX (501) 682-4532
www.arkansas.gov/labor

(3) Recover all costs, expenses, and damages to the department and any other agency or subdivision of the state in enforcing or effectuating the provisions of this subchapter.

20-27-1315. Private right of action.

Any person adversely affected by a violation of this subchapter, or any rules, regulations, or orders issued pursuant thereto, shall have a private right of action for relief against the violator.

20-27-1316. Joint and several liability.

The owner or operator of any quarry or open pit mine where a blast is conducted and any contractor conducting the blast shall be jointly and severally liable for violations of this subchapter and any rules or regulations issued thereunder.

20-27-1317. Injunctive relief.

In addition to all other remedies provided by this subchapter, the Attorney General of this state and the prosecuting attorney of a county may apply to the chancery court or the judge in vacation of the county where the quarry or open pit mine is located for an injunction to restrain, prevent, or abate a public nuisance related to the subjects embraced by this subchapter or any violation of any provision of this subchapter or the rules, regulations or orders issued thereunder.

M. TRENCHING AND EXCAVATION ON PUBLIC PROJECTS

22-9-212. Public improvements generally - Trench or excavation safety systems.

(a) Whenever any agency of this state or of any county, municipality, or school district, or other local taxing unit or improvement district, enters into a contract covered by the provisions of §§22-9-202 - 22-9-204 for the making of repairs or alterations or the erection of buildings or for the making of any other improvements, or for the construction or improvement of highways, roads, streets, sidewalks, curbs, gutters, drainage or sewer projects, or for any other construction project in which the public work or public improvement construction project involves any trench or excavation which equals or exceeds five feet (5') in depth, the agency, county, municipality, school district, local taxing unit, or improvement district shall require:

(1) That the current edition of Occupational Safety and Health Administration Standard for Excavation and Trenches Safety System, 29 CFR 1926, Subpart P, be specifically incorporated into the specifications for the project; and

(2) That the contract bid form include a separate pay item for trench or excavation safety systems to be included in the base bid.

(b) In the event a contractor fails to complete a separate pay item in accordance with the applicable provisions of subsection (a) of this section, the agency, county, municipality, school district, local taxing unit, or improvement district shall declare that the bid fails to comply fully with the provisions of the specifications and bid documents and will be considered invalid as a nonresponsive bid. The owners of the above-stated project shall notify the Department of Labor, Safety Division, of the award of a contract covered by this section.

N. VOLUNTARY PROGRAM FOR DRUG-FREE WORKPLACES

11-14-101. Legislative intent.

(a) It is the intent of the General Assembly to promote drug-free workplaces in order that employers in this state may be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and research their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug or alcohol abuse by employees. It is further the intent of the General Assembly that drug and alcohol abuse be discouraged and that employees who choose to engage in drug or alcohol abuse face the risk of unemployment and the forfeiture of workers' compensation benefits.

(b) If an employer implements a drug-free workplace program in accordance with this chapter which includes notice, education, and procedural requirements for testing for drugs and alcohol pursuant to rules developed by the Workers' Health and Safety Division of the Workers' Compensation Commission, the covered employer may require the employee to submit to a test for the presence of drugs or alcohol, and if a drug or alcohol is found to be present in the employee's system at a level prescribed by statute or by rule adopted pursuant to this chapter, the employee may be terminated and may forfeit eligibility for workers' compensation medical and indemnity benefits. However, a drug-free workplace program must require the covered employer to notify all employees that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in the employee's body, and if an



**STATE OF ARKANSAS
DEPARTMENT OF LABOR
ARKANSAS OCCUPATIONAL SAFETY & HEALTH**

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CONTRACT FOR EXCAVATION REPORTING FORM

This form must be completed by any public body (state agency, county, municipality, school district, or other local tax unit or improvement district) awarding a contract for a public construction project which will involve any trench or excavation of five feet (5') or more. Arkansas Code § 22-9-212.

Name of Public Agency: _____

Address of Public Agency: _____

Contact Person: _____ Phone Number: _____

Person Filing Report: _____

Name of General Contractor: _____

Address: _____ Phone Number: _____

Name of any subcontractor doing trenching or excavation: _____

Subcontractor Address: _____ Phone Number: _____

Estimated start date: _____

Estimated completion date: _____

Arkansas Code § 22-9-212 also requires that the current federal OSHA standard for excavation and trenching be incorporated into the project's specifications and that the contract bid form include a separate pay item for trench or excavation safety systems.

The Arkansas Department of Labor provides free training on trenching and excavation safety.

SEND NOTICE TO:

**Arkansas Department of Labor
Safety Division
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(501) 682-4521
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e-mail: richard.steward@arkansas.gov**