

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2772

By: Representative L. Smith

For An Act To Be Entitled

AN ACT TO PROVIDE ECONOMIC SECURITY TO NEWBORN
CHILDREN AND THEIR FAMILIES; AND FOR OTHER
PURPOSES.

Subtitle

TO PROVIDE ECONOMIC SECURITY TO NEWBORN
CHILDREN AND THEIR FAMILIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 11, Chapter 3, is amended to add an
additional subchapter to read as follows:

11-3-501. Findings.

(a) The Family and Medical Leave Act (FMLA) applies to covered
employers and those employers' employees who:

(1) Have been employed by the employer for at least twelve (12)
months;

(2) Have been employed for at least one thousand two hundred
fifty (1,250) hours of service during the twelve-month period immediately
preceding the commencement of the leave; and

(3) Are employed at a worksite where fifty (50) or more employees
are employed by the employer within seventy-five (75) miles of that worksite.

(b) If a female conceives a child during her fourth month of
employment or after and carries the child full term, she may be afforded the
benefit of the FMLA.

(c) If a female conceives prior to the fourth month of employment, she
may not be afforded the benefit of the FMLA.



1 (d) This subchapter affords most females the same benefits of the
2 medical leave provisions of the FMLA if conception occurs prior to the fourth
3 month of employment or if the child is born prematurely.

4 (e)(1) Employers covered under the FMLA will already have systems in
5 place for dealing with medical leave situations, so minimal new requirements
6 will be imposed upon employers.

7 (2) The leave covered under this subchapter is job-protected
8 unpaid medical leave that is medically necessary for childbirth recovery as
9 documented by the mother's physician.

10 (f) Because a female protected by this subchapter will have job-
11 protected leave, economic security is provided to the mother and the child,
12 the mother stays off welfare, and the employer has one (1) less employee
13 filing for unemployment benefits.

14
15 11-3-502. Coverage similar to the Family and Medical Leave Act.

16 (a) As used in this section, "FMLA" means the Family and Medical Leave
17 Act of 1993, 29 U.S.C. § 2601 et seq., as in effect January 1, 2007.

18 (b) An employer in this state that is covered by the FMLA shall
19 provide a female employee who has worked less than twelve (12) months and who
20 has averaged at least twenty four (24) hours per week of employment with an
21 unpaid leave of absence for a medically certified absence necessary for
22 childbirth that is no longer in length than the absence that would have been
23 granted to a female employee if a female employee had been eligible for the
24 unpaid leave of absence under the FMLA.

25 (c) The Department of Labor may promulgate rules to administer this
26 subchapter.