

Pregnant? Have a Disability? Caring for a Loved One? Know Your Rights in the Workplace!



A Better Balance Facebook Live Event
November 6, 2020

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About A Better Balance

- **Who we are:** National legal advocacy organization with offices in New York City, Nashville, D.C., and Denver
- **Our Mission:** We use the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security.
- **Need Help?** Call our free & confidential legal helpline: 1-833-NEED-ABB

What We'll Cover Today

- What is the **Family Medical Leave Act (FMLA)** and **Americans with Disabilities Act (ADA)**?
- What are **workers' rights** under the FMLA and ADA?
- What rights do state and local **sick leave laws** provide?
- What rights do **pregnant workers** have in the workplace?

Kelly, who has asthma, woke up struggling to breathe. When she called her manager to let her know she wouldn't be able to show up for her shift at her retail job, she was told she would receive a "point" on her attendance record.

Does Kelly have any legal protections?

Family and Medical Leave Act

- Up to **12 weeks of leave** for serious medical conditions – yours or a family member's
- If you've worked for your employer **full-time for at least one year**, you're probably covered.
- Some **part-time** workers are also covered
- Leave doesn't need to be taken all at once; can be used in **small chunks of time**



Family and Medical Leave Act

- Your employer **must provide notice** of your FMLA rights if you let them know you might have an FMLA-qualifying absence
- You can use FMLA leave in an emergency, **even if it hasn't been approved in advance**
- You cannot be penalized, or given points under an **attendance policy**, for FMLA leave

Americans with Disabilities Act

- If you work for an employer with **at least 15 employees**, you're covered (whether you work full-time or part-time)
- **Disability** is **defined broadly**: a physical or mental impairment that substantially limits a major life activity
- **"Reasonable accommodations"** must be made for workers with disabilities, absent undue hardship to the employer



Americans with Disabilities Act

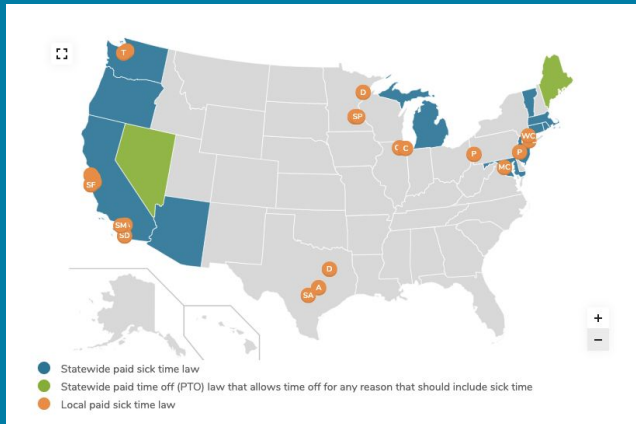
- Accommodations can include a **change in job duties**, a different **schedule**, or **time off** from work without punishment (e.g., under an attendance policy)
- Once you've asked for an accommodation, your employer **must engage in a timely conversation** with you (called the “interactive process”) – they can't just ignore your request
- **State disability laws** may also provide rights, and may cover smaller businesses

Mark, a food service worker, has to stay home with his daughter because she has the flu. When he calls his boss to let him know, Mark is told he'll be taken off the schedule for the next week.

Does Mark have any legal protections?

State/Local Paid Sick Time Laws

13 states + Washington, D.C. + dozens of cities and counties currently have sick time laws



- Arizona
- California
- Connecticut
- District of Columbia
- Massachusetts
- Maryland
- Michigan
- New Jersey
- New York
- Oregon
- Rhode Island
- Vermont
- Washington
- Colorado

Source: <https://www.abetterbalance.org/resources/map-of-paid-sick-time-laws/#>

State/Local Paid Sick Time Laws



- These laws give workers the right to **paid sick time** when they are sick, caring for a loved one who is sick, or seeking preventative medical care
- Workers **cannot be punished** for using their sick time – including receiving points under an attendance policy

Shauna is pregnant and works in a warehouse. Her doctor has advised her not to lift more than 20 pounds, and she will need time off about once a month to attend doctor's appointments.

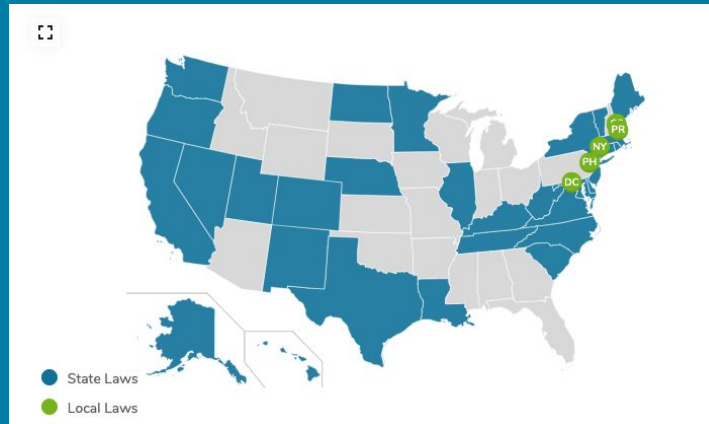
Does Shauna have any legal protections?

Protections for Pregnant Workers

- **FMLA leave** can be used for pregnancy-related absences, including time off for prenatal care
 - You have the right to **reasonable accommodations under the ADA** if you have a pregnancy-related disability, such as hyperemesis gravidarum or gestational diabetes
 - If you don't have a disability, you may still have the right to workplace accommodations during your pregnancy under **state/local pregnancy accommodation laws** or the federal **Pregnancy Discrimination Act**
 - Remember, accommodations can include job changes (like light duty) or time off – and your employer **must work** with you!
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Pregnancy Accommodation Laws

30 states + 5 localities have pregnancy accommodation laws



- Alaska
- California
- Colorado
- Connecticut
- Delaware
- D.C.
- Hawaii
- Illinois
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nebraska
- Nevada
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Oregon
- Rhode Island
- South Carolina
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- West Virginia

Source:

<https://www.abetterbalance.org/resources/pregnant-worker-fairness-legislative-successes/>

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QUESTIONS?

Contact us at ABB's free & confidential
legal helpline:

1-833-NEED-ABB (1-833-633-3222)