

## PREGNANCY, FAMILY & MEDICAL LEAVE

### **Q. What exactly is pregnancy leave?**

**A.** Pregnancy leave is an unpaid leave of absence for a reasonable length of time resulting from pregnancy or childbirth. The assumption is that for a period of time immediately after you give birth, you may be temporarily disabled and the employer must give you time off to recover. "Reasonable" is often interpreted to mean 6-8 weeks, although it can be either shorter or longer depending upon your health or when your doctor releases you to return to work. Additionally, it can also apply to leave that you may need to take prior to your baby's birth, if you have complications related to your pregnancy. Pregnancy leave does not, however, include childrearing or "maternity" leave to be home with your child once you are no longer disabled from the birth of your child.

### **Q. Will I get paid during my pregnancy leave?**

**A.** The law does not require that pregnancy leave be paid. However, if your employer has a paid temporary disability leave or other leave plan which pays all or part of your salary while you are temporarily disabled, you are entitled to this income while you are temporarily disabled during pregnancy and childbirth. In other words, pregnancy leave is considered a disability leave and must be treated as any other disability leave; if an employer offers paid disability leave that policy must extend to pregnancy leave.

### **Q. Who is covered under the FMLA?**

**A.** Both the state and federal government have covered under *federal* FMLA if you have worked for at least 12 months for a private company that has 50 or more employees **and** you have worked 1250 hours within the last 12 months. You will be covered under *Connecticut* FMLA, if you have worked for at least 12 months for an employer that has 75 or more employees **and** you have worked 1000 hours within the last 12 months. For both federal and Connecticut FMLA, only hours actually worked count toward the time requirements – paid vacation, holiday or sick leave do not count.

### **Q. How much leave can I get?**

**A.** If you are covered under federal FMLA, you can get up to 12 weeks of unpaid leave in any 12 month period. If you are covered under

Connecticut FMLA, you can get up to 15 weeks of unpaid leave in any 24 month period. (CT state agency employees can get up to 24 weeks of unpaid leave.)

**Q. Do my health benefits continue while I'm out?**

**A.** Yes. An employer must continue group health benefits throughout your leave. The payment arrangement for health benefits must continue as if you were still working. This means if your employer previously paid the benefits, you will not have to start paying for them yourself. However, if you pay for all or part of your benefits, you will have to continue to pay.

**Q. What happens when I get back from leave? Can I get my job back?**

**A.** Yes. Once your leave ends, you are entitled to go back to your original position or, if it is no longer available, you must be given a similar position with similar pay and benefits. If you took medical leave and you are unable to perform your original job for medical reasons, your employer should transfer you to a job which is suitable to your physical condition. However, an employer is not required to create a job for you.

**Q. What if I am fired for trying to take FMLA leave or if I need help getting a leave?**

**A.** An employer cannot deny or restrict your rights under FMLA or discriminate or take negative action against (such as fire) you while you are on leave or upon your return.

**JOB DISCRIMINATION**

**Q. What is job discrimination?**

**A.** The law does not require employers to be nice. Employers can even fire someone if they don't like the person's personality or work style. However, it is illegal for employers to treat you differently or unfairly because of your: race, color, national origin, religion, age, sex (including pregnancy), sexual orientation or physical or mental disability. People listed in the above groups are protected under anti-discrimination laws.

**Q. What does being treated differently mean?**

**A.** If you are in a group that is “protected”, being treated differently means, you cannot be: fired; denied a job, pay increase or promotion; verbally or physically harassed; otherwise treated differently because of your race, color, etc. An employer cannot refuse to hire you simply because you are over age 50 or are pregnant. Also, an employer cannot try to “get even” with you or “retaliate” against you by treating you unfairly or firing you if you complain about illegal discrimination or file a discrimination complaint.

**Q. What can I do if I think I’m being discriminated against at my job?**

**A.** Protect yourself. Write down details of what happened: what the unfair treatment was, who did it, and when it happened.

**Q. What if I am fired or unfairly disciplined?**

**A.** If so, and you think it was discrimination; you have the right to file a complaint with the CT Commission on Human Rights (CHRO). You must file your complaint with **180 days** of the latest act of discrimination, but it’s probably a good idea to file as soon as you can.

**DISPLACED HOMEMAKERS**

**Q. What is displaced homemaker?**

**A.** “Displaced Homemakers” is an individual who has worked in the home providing unpaid household services for family members; has been dependent on the income of another family member, but is no longer supported by that income or is receiving public assistance; and, has had or would have difficulty in securing employment sufficient to provide for economic independence.

**Q. Where can I seek assistance?**

**A.** The CT Department of Labor provides funding directly to four regional operators, which in return provide case management services to displaced homemakers on a statewide basis. Services include:

information, referral, counseling assessment of skills, job training for various occupations, job placement, and supportive services.

**REGION I:** *Ansonia/Waterbury, Danbury/Torrington, Bridgeport/Stamford, Norwalk, Greenwich*

**Family Center of Greater Waterbury**

34 Murray Street  
Waterbury, CT 06710  
Phone: (203) 756-8617  
Fax: (203) 756-8310

**REGION II:** *New Haven, Meriden, Middletown*

**Multipurpose Service Center:**

**YWCA of Meriden**

Shane Rood, Executive Director  
  
169 Colony Street, Meriden, CT 06450  
Employment & Training  
Coordinator: Elena Simon  
"Open DOHR" Client Services  
Counselor: Lori Gaither  
Bilingual Client Services  
Counselor: Yolanda Rodriguez  
Phone: (203) 235-9297  
Fax: (203) 237-7571

**REGION III:** *Hartford, New Britain, Bristol*

**Multipurpose Service Center**

**Hartford College for Women at the University of Hartford**

Gail Champlain, Counseling Center Director  
50 Elizabeth Street, Hartford, CT 06105  
Phone: (860) 768-5635  
Fax: (860) 768-5680

**Satellite:**

**YWCA of New Britain**

Cathy-Lynne Coyle, Executive Director  
22 Glen Street

**REGION IV: Northeast:**

*Willimantic/Danielson;*

**Southeast:** *Norwich/New London*

Phone: (860) 450-7487

Fax: (860) 450-7477

**Satellites:**

**ACCESS JOBSource Community Services**

Pam St. John, Operations Manager  
173 Mechanic Street  
Danielson, CT 06239  
Displaced Homemaker Job Counselor  
Instructors: Shirley Riemann, David Beaulieu, Rashita Corey  
Phone: (860) 774-0418

New Britain, CT 06051  
"Look Forward" Director: Tracey  
Madden Hennessey  
"Look Forward" Coordinator: Alice  
Leibowitz  
Phone: (860) 225-4681, ext. 288  
Fax: (860) 826-7026

Fax: (860) 774-3347  
**ACCESS JOBSource  
Community Services**  
Kim Bond, Administrative  
Coordinator  
106 Truman Street  
New London, CT 06320  
Phone: (860) 450-7487  
(Willimantic Office)

### **WOMEN OWNED BUSINESS**

**Q. Q. I want to start my own business, where should I go?**

**A.** Please visit our [Women Owned Business page](#) for resources on starting your businesses.

### **SEXUAL HARASSMENT**

**Q. Is sexual harassment illegal?**

**A.** Sexual harassment is illegal behavior under both federal and state laws. Title VII of the Civil Rights Act of 1964 (42 U.S.C. Sec. 2000c-(a)(1)) prohibits several forms of discrimination, including sex discrimination, in employment. This law applies to public and private employers, including employment agencies, with 15 or more employees, and labor unions with 15 or more members.

Under Connecticut law (Connecticut Human Rights and Opportunities Act C.G.S. Sec. 46a-60(8)), the definition of sexual harassment mirrors federal law except that it covers employers with 3 or more employees. In addition, C.G.S. 46a-54(15)(a) requires an employer having three or more employees to post in prominent and accessible location information concerning the legality of sexual harassment and the remedies available to victims of sexual harassment.

The same law also requires an employer of 50 or more employees to provide all supervisory (defined broadly) employees two hours of

training and education on the state and federal laws pertaining to sexual harassment, including the remedies available to victims of sexual harassment.

Title IX of the Education Enhancement Act, 1972 (Office of Civil Rights) also prohibits sexual harassment in the schools and is the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Sexual harassment in the content of education is simple—unacceptable. It includes any unwanted and unwelcome sexual behavior that significantly interferes with a student’s access to educational opportunities.

**Q. What is sexual harassment?**

**A.** The Equal Employment Opportunity Commission (EEOC) wrote guidelines, which became known as the definition of sexual harassment. These guidelines say that:

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are illegal sexual harassment when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment;
- b. submission to, or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating hostile or offensive working environment. 29 C.F.R. Sec. 1604. 11a

**Q. My employer has a ‘zero policy’ regarding sexual harassment. What does that mean?**

**A.** When laws are passed, employer policies must at least mirror the law, however, they can be broader than the law. There has been a trend to institute a ‘zero tolerance’ policy regarding sexual harassment so the behavior can be addressed at the lowest level. In order for behaviors to be considered sexual harassment under the federal or state law, the behavior has to meet the standard of the law (see

guidelines above). However, with a zero tolerance policy, the employer is saying everything of a sexual nature belongs outside the workplace (unless it pertains to the job you are hired to do). Zero-tolerance is immediate, behavior may be considered sexual harassment at a first occurrence (bringing in the Victoria Secret's catalog, or the swimsuit edition of Sports Illustrated) and subject to counseling or discipline.

**Q. Do men and women look at sexual harassment from the same perspective?**

**A.** No. There was a survey in the workplace that asked men and women the same question, "Would you be complimented or offended if you were propositioned in the workplace?" 63% of the men and only 13% of the women said they would be complimented. Women commented that they look at situations a little differently. Generally, the path to violence is a shorter one for women than for men. Women sometimes think, "If I don't respond to their actions, will they follow me to my car at night in the parking lot, will that person find out where I live? What if I'm working late at night and that person is around me?" When asked a follow-up question about what women do when they approach their car at night, before the door is opened, the overwhelming response was "check the back seat to make sure no one is hiding there," while men hardly had this answer.

**Q. What are some remedies to end sexually harassing behavior?**

**A.** Talk to the harasser, if you can (know that this is not required), talk to your supervisor, or any supervisor. Talk with someone in your Affirmative Action Unit, or Human Resources Department. Utilize your agency or company internal grievance procedure. File a complaint with the state enforcement agency, the Commission on Human Rights and Opportunities (CHRO), or the federal enforcement agency, the Equal Employment Opportunity Commission (EEOC).

**Q. If a business is located out-of-state; do they have to provide sexual harassment prevention training to their supervisors in Connecticut if there are less than 50 employees in Connecticut?**

**A.** If the employer has more than 50 employees company or agency-wide, wherever they may be located, supervisors in Connecticut must be trained. Also, there is a trend to train all employees, supervisory

and non-supervisory, although not required, however it is a good preventative measure to stop sexual harassment before it even happens.

**Q. I am a business wanting to provide this training. Can I offer web-based training?**

**A.** Although not prohibited, it is not recommended since classroom training brings out points of view (especially between men and women) that can help clarify why behaviors affect people a certain way. Web-based training can provide facts and mechanism for participants to ask questions of HR or Affirmative Action personnel to answer at a later date, however you lose that, "I feel this way because" conversations and dialog that happen in a classroom setting.

**Q. Does the PCSW provide sexual harassment prevention training?**

**A.** Yes limited to state agencies at a minimum cost. The PCSW also provides lectures on this topic to groups, organizations and others. The PCSW also publishes a Sexual Harassment Trainers List that contains names of people who conduct this training, the amount they charge, their experience and whether they provide the training in another language. This is just a resource list, as no one listed is interviewed or screened. Those choosing to use the list must do that task themselves to see if the trainer is a fit for their needs.