Post-Pregnancy Workplace Protections

Editorial Note: This is Part III on informative pieces about your rights, under the law, in the workplace.

Lawmakers have passed several protections for pregnant workers. This two-part series discusses protections available to pregnant firefighters, both during and after pregnancy. The first article, which was printed in the August 2012 issue, focused on the protections that apply during pregnancy. This article will review the applicable statutes and protections that apply *after* pregnancy, including during maternity leave and returning to work. In addition, this article touches on a few special pregnancy-related issues, like miscarriage and infertility.

The Family and Medical Leave Act (FMLA) applies to employers that employ more than 50 workers. Under the FMLA, new parents who worked more than 1250 hours in the previous year are permitted to take up to twelve weeks of unpaid leave to care for a newborn baby. Parents who have recently adopted children are also protected under this law. While the FMLA does not require that your employer pay you during your leave, it does require that the employer continue to pay its portion of any health insurance benefits in which you were participating prior to maternity leave. Additionally, if your employer provides paid medical or sick leave, it must also permit new mothers to take such leave due to medical conditions caused by pregnancy.

The FMLA provides a minimum amount of leave, not a maximum, so employers may exceed those requirements. Employers may grant more than 12 weeks for maternity leave, or they may provide additional paid leave beyond that which is offered for medical leave. But note, if your employer does grant paid maternity leave, their policy may require that your paid leave run concurrently with your FMLA leave, meaning that you can’t extend your paid maternity leave with the 12 weeks of FMLA leave.

Notably, while the FMLA does provide that an employer grant a certain amount of leave, an employer cannot force you to stay on leave if you are able to return to work. Forcing new mothers to take a certain amount of leave is discriminatory under the Pregnancy Discrimination Act (PDA).

When you return to work, the FMLA requires that you be returned to the same position you had before taking your leave, unless certain circumstances apply. Further, as a caregiver, you may have additional protections under federal antidiscrimination laws. Indeed, the Equal Employment Opportunity Commission (EEOC) recently issued guidance for employers of caregivers to prevent discriminatory practices. One significant practice that is prohibited by federal antidiscrimination laws is for employers to assume that a mother is unable to perform her job at the same level as a childless employee. Similarly, employers may not limit opportunities for a mother because the employer believes the mother should or would want more time at home with her children.

Please see “Post-Pregnancy”, Page 6
The topic of this month’s article is a little different than the norm, but one that is important for me to share with all of you as iWomen members.

I have decided to resign as your president after much thought and consideration. This is effective October 15, 2012 which is a couple months shy of the end of my term. This was not an easy decision for me since I have been very passionate and active as an advocate for iWomen and all women in advancing our efforts to become recognized as equal and competent professionals in a career that is very rewarding and challenging. I will continue to be passionate and active as an advocate, but in a slightly different role.

I joined iWomen in late 2007 and in 2008 I found myself engaged in planning the next conference which was quickly followed by becoming a trustee, treasurer, and then president. I have thoroughly enjoyed my time in these positions and can’t even begin to tell all of you how much I have grown and benefited from my involvement with iWomen. It opened so many doors for me personally and professionally that have enhanced my ability to better serve all of you and my professional abilities as a chief officer.

Throughout those years many things were accomplished that may not necessarily be transparent to the membership. Some of the more obvious are that we have built relationships with the other affinity groups and fire service groups that have provided us with a voice in many different arenas. We are involved with the development of a national recruiting standard program that will hopefully be completed next year. We have started the process to have research and development of new standards with the NFPA for women’s fire fighting gloves and gear as well as developing relationships with various vendors that will assist us in the future. We have provided input for policies/position statements that are affecting women in all departments and have shared them with many departments. Also, we have trustees involved in committees for the NFPA, Fire Partners, grants for researching women’s health issues, and many others.

There are so many to thank for extending an invitation to get involved or being asked to participate in various activities, committees, events that have provided us with exposure and a voice. I am afraid to start the list for fear of leaving someone out so my appreciation should not be taken lightly to those who are involved with iWomen.

To all of you members, please get involved with iWomen through committee work, newsletter articles, conference planning and better yet, attending the conferences. The conferences are not only excellent educational opportunities, but invaluable for meeting friends and sharing a part of you that others can relate to through positive interactions.

Thank you to everyone who has been a part of this organization and to those who have extended a helping hand to me and to iWomen.

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On June 27th, 2012 JoAnne E. Rice was promoted to the rank of assistant fire chief for Gainesville Fire Rescue in Gainesville Florida; she is the first female to attain to this rank. Assistant Chief Rice started with the department 22 years ago, in October of 1990, as a firefighter and rose through the ranks, serving the last 10 years as a district chief assigned to the Operations Division as a shift commander.

Fire Chief Gene Prince stated that “Chief Rice is a great addition to the Command Staff at GFR. She was prepared for the opportunity to serve at the assistant chief level and her experience and education made her the excellent choice from the selection process she went through.”

“I am very excited about being promoted to the Assistant Fire Chief of Gainesville Fire Rescue. I have worked hard throughout my career to attain the skills and knowledge required for this position. At this time in my life and career I am prepared for, and have much to offer our community and department as the Assistant Fire Chief and Fire Marshal. I am looking forward to having a broader impact on the safety of our community.

I can honestly say I feel very humble being the first female assistant fire chief for Gainesville and I am also very proud and grateful to work for an organization that has allowed me the opportunity to excel in my chosen profession. Unfortunately, I know that not many are as lucky as I have been with the support I have received here in Gainesville.

My advice for young firefighters is to always be true to yourself, be who you are, not who or what someone else wants you to be. Set your standards high and expect the most from yourself; know your job and prepare to be the best that you can be. You don’t have to be the strongest, fastest, smartest, biggest, etc...but be confident in your abilities and don’t be afraid to take the next step to promote.

I am proud to be a role model for other firefighters, but most importantly I am proud to set a positive example for my nine-year old son!”

Rice has been a member of iWomen since 2007.

**Eastern Division Trustee Position Open**

The iWomen Board of Trustees recently voted to realign our Divisions which created a new Trustee position on the Board. The Eastern Division Trustee represents Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

Interested candidates should be current members; able to commit to serving as an iWomen trustee for a minimum of one 3-year term: 2013 – December 2015; willing to devote approximately 5-10 hours per month on iWomen projects and committee work.

To be considered for this position, please submit the following items:

- Signed letter from your supervisor indicating support of your desire to become an iWomen trustee and of the time commitment required by you if you are appointed
- Biographical summary/platform (250-word maximum)
- Current resume
- Signed copy of the iWomen Rules of Conduct

The deadline to submit an application and your documents is October 31, 2012.

Email your interest to staff@i-women.org and the necessary forms and by-laws will be sent to you for your review. For more information please call 703.896.4858.
SAVE THE DATE!

People sometimes say that firefighters are “ordinary people doing extraordinary things”. It is in that same spirit that we are pleased to be planning a rather extraordinary conference for 2013...

Leadership Conference
presented by
The International Association of Women in Fire & Emergency Services

August 13 – 14, 2013
Co-located with
Fire-Rescue International
Chicago, IL

www.i-women.org
A Word from Fire Administrator, Ernest Mitchell

S.679 - Presidential Appointment Efficiency and Streamlining Act of 2011 - This Bill has been signed into law (8-10-12) and the United States Fire Administrator position along with several hundred others, are no longer Senate Confirmed. Reportedly, the legislation is not intended to impact the working relationship with or within agencies. It is intended to improve efficiency by reducing the time for filling affected presidentially appointed positions.

USFA in conjunction with the NFA Board of Visitors is in the process of revising the admissions criteria to the Executive Fire Officers Program (EFOP). The evaluation criteria should include bachelor degree applicants from all degree programs accredited by agencies recognized by the Department of Education. This includes both national and regional accreditations. The BOV will submit a recommendation of the revised criteria by the end of the month. At that time, the Fire Administrator will consult with NFA Superintendent and staff and the senior staff at the DOE. The result will be revised EFOP evaluation criterion that includes bachelor degrees awarded from all institutions accredited by an accrediting agency recognized by the Department of Education.

The USFA Reauthorization process is moving forward. The staffs (majority and minority) seem to be very close on the re-authorization. CFSI will hold a briefing to help build support for the bill from our stakeholders.

Code of Ethics Update

Ken Farmer, with the USFA/NFA, provided background information regarding the development of the Code of Ethics. The National Society of Executive Fire Officers (NSEFO) Code of Ethics is now posted in all NFA classrooms. NFA is encouraging students, as well as all others, to adopt it in their departments. Ken offered special thanks to NSEFO’s President Pat Kelly and Director Bill Bingham, and NSEFO for leading this effort. NFA has begun printing the Code in the front of all student manuals.

To view the code, log on to:

EMS Initiatives

Bill Troup (USFA/National Fire Data Center)

USFA, supported by the DHS Office of Health Affairs (OHA), and in partnership with the IAFC and its EMS Section developed the Handbook for EMS Medical Directors which provides an overview for physician medical directors of local departments and agencies who are involved in Emergency Medical Services (EMS) response of key roles and responsibilities to assist them in performing their important missions covering topics ranging from occupational health and safety to liability issues. Print Copies of Handbook are currently being developed. To complement the Handbook, an online educational outreach program and focused website for physician medical directors has been created.

USFA recently enhanced and extended this study to look at potential efforts to support EMS Medical Direction including developing educational programs in support of the non-clinical aspects of core competencies for the newly developed EMS Fellowship for Physicians including EMS administration, responder safety, hazmat, mass care management, emergency vehicle operations, etc.

Choosing to breastfeed your child may lead to other issues when you return to work, and the Fair Labor Standards Act (FLSA) was recently amended to address those issues. The FLSA now requires that covered employers provide a reasonable amount of break time and a private place for a mother of up to a one-year-old child to pump milk. The private place cannot be a public bathroom.

State and federal antidiscrimination laws also apply when attempts to conceive or pregnancy do not lead to a child—miscarriage and infertility are also covered by these laws. In the case of miscarriage, an employer is required to grant the same medical or sick leave as it provides for other medical conditions. Additionally, leave may be covered by the FMLA as well. Courts have held that infertility is a disability under the Americans with Disabilities Act (ADA), and thus, a covered employer must offer a reasonable accommodation to employees who are seeking infertility treatment unless doing so would impose an undue hardship on the employer. Offering a reasonable accommodation could include granting unpaid leave, allowing an employee to take sick time for treatments, or other steps.

Along with the basic protections outlined above, you may have additional rights under state and federal employment laws. If you have any questions about your legal rights and protections, please contact an attorney in your state.

SERENA L. LIPSKI is an associate in the Employment and Labor Practice Group in the Toledo, Ohio office of Shumaker, Loop & Kendrick, LLP. Ms. Lipski can be reached at slipski@slklaw.com.

129 U.S.C. § 2601 et seq.
229 U.S.C. § 2612(a)(1)
829 U.S.C. § 2614(c). Note that you are required to continue to pay your portion, if any, of health insurance premiums during your leave.
429 C.F.R. § 1604.10.
7Id.

11Lust v. Sealy, Inc., 383 F.3d 580 (7th Cir. 2004); Sheehan v. Donlen Corp., 173 F.3d 1039, 1043 (7th Cir. 1999).
1229 U.S.C. § 207(r).
15Bragdon v. Abbott, 118 S. Ct. 2196, 2205 (1998) (holding that reproduction is a major life activity under the ADA).
16Yindee v. CGH Inc., 458 F.3d 599 (7th Cir. 2006).

Comments Shared

“I became pregnant with my first child when I was 39 years old and a career firefighter on a Department that makes over 1200 runs a year. I advised my Chief as well as my OB/GYN. My Doctor only advised me to use common sense. I was a Battalion Chief at the time so it was easy for me to take a command or support position. I was promoted to Chief during my pregnancy and still remained active. I obviously would never put myself or my child in danger so I always exercise good sense. I could wear my fire gear up to my 8th month of pregnancy. I delivered a healthy baby boy 2-1/2 months after my promotion and returned to work 6 weeks later. My son is now 4-1/2 and wants to be a firefighter!” Jean Frankel
Fire Chief at Honey Creek Fire Department, Terre Haute, IN

“I work as a firefighter/emt in a department which runs around 9000 calls per year. While I haven’t yet started a family, two of my co-workers, a firefighter and Lieutenant have. We currently have policies in place for both maternity leave notification and returning to duty. Basically, as soon as you know you’re pregnant, your duty chief and training chief must be notified and you are to be reassigned from shift to days for as long as your PCP deems safe. Sick leave and FMLA can be utilized as long as necessary and available pre and post birth. Normal rules apply to performance standards for returning to work as for anyone else who has been off/gone for 6 months or more.”

Natalie F, Firefighter/EMT at South Kitsap Fire Rescue, Greater Seattle Area

www.i-women.org
How Fire Fighting Works In Switzerland, Part II

By: Mireille Glauser
During the day
When we don't have calls we have to work for the government! Each of us has a job inside the station that will depend on what your first job (and skills) used to be. Many of the tasks are fire fighter related for the volunteer stations. We wash and fix their clothes, we fill their air bottles, wash and fix hose and fix and check their BA's. We have a garage where we check and fix ALL cars that belong in some ways to the city.

We do our pre-planning for special buildings (that’s my job, I'm responsible for all high-rise buildings without an alarm system and all underground parking garages (about 150 in our small city!!)! We have fire fighters with a special notification to check and inspect buildings under construction for fire safety.

We also do strange things, like over the weekend we organize the graveyards and churches when people die, because we are on duty 24 hours and dead people can’t wait 'til Monday. We have a huge gym next to our station, it belongs to the government, and so we have to do some of the housekeeping. Once we even had to count signatures about voting!!! They always find things for us to do, I think because they think we don’t work at all. We have to do all these jobs between 7am and 12pm and between 1.30pm and 6.30pm, on weekends we can finish at 5.30pm.

Fire fighters work every third day, Friday we clean our truck garage, Tuesday and Thursday we have an hour of sport training in the morning and every other day we do some fire fighting training from 7.30am 'til about 8.15am. Once a month we have a whole extra day of fire fighting training on special topics.

Our volunteers
Zurich is the biggest fire station in Switzerland, with about 25 fire fighters on shift. We have a minimum of five! So everything including an apartment fire we do with five people! We do fires, technical alarms, accidents, liquid oil after accidents, hazmat, water because of technical problems, water because of nature, we open doors for emergencies, we help out paramedics with patients with the ladder or the snorkel, we go for cats on trees, for dropped keys in holes, we rescue cows (pictures) and bee folks who got lost etc. At vehicle accidents: as soon as there is some liquid on the street, we are responsible for the whole situation until some wrecking service picks the car up! We clean the street and we also have to wait until the end when the police take pictures! So when we show up on an accident we mostly find some work to do and we are the last to leave.

About fires
We do not have the number of house fires you have in the US. because in Switzerland and mostly in Europe, houses are stone or cement built (no wood). Except some old, old buildings they have a roof construction under the bricks, but still we are able to catch those fires if they are spotted early enough! If there is a fire in an apartment or house, we are fast enough to catch it, or something went really wrong! Every wall, every door and every window has to have a fire resistance for at least 30 minutes! The fire resistance in higher buildings or community buildings or hotels with lots of people can go up until 180 minutes!

We also work totally different! We don't do vertical ventilation like in the United States; we never do holes in roofs! We do ventilation as soon as possible, but we always do it through a window! If we do take away the bricks on the roof, it is because the roof is already broken or gone! This kind of fire may happen once a year! We are instructed in always safety first! We aren't heroes like you guys, so we have hardly fire fighters who die on the job! There was one big accident in 1996 when three volunteer fire fighters died after being trapped in a big industrial fire. In 2004 seven volunteer fire fighters died because an underground garage collapsed as a result of a construction defect. And in 2007 a friend of mine died because of a roof that collapsed totally surprising the crew!

Please see “Switzerland”, Page 8
IAFC Foundation Announces 2012 Heather Westphal Memorial Scholarship Winner

The IAFC Foundation is pleased to announce the winner of the Heather Westphal Memorial Scholarship Award is Division Chief of Training and Standards Susanna Schmitt Williams with Jacksonville Fire Department in NC. Williams is pursuing a Master’s degree from Anna Maria College in Public Administration with a concentration in Fire Service Administration.

“I'm truly honored to be selected to receive the Heather Westphal Memorial Scholarship Award benefiting women in the fire service,” said Williams. “As a full time career firefighter, I realize continuing education is crucial to the fire service as we deal with rapidly changing and complex issues in today’s fire service, such as technology, leadership styles on scene and in the station, generational differences and diversity in the fire service. Obtaining this degree will not only benefit me personally and my department but, having been in the fire service for 14 years, will also set a good example to others that it is important to balance out the leadership qualities of fire service leaders with education as well as technical knowledge.”

The IAFC Foundation prepares fire service leaders by providing scholarships to first responders to help them advance their educations. The IAFC Foundation created this scholarship fund benefiting women in the fire service to honor IAFC’s Membership Marketing Manager, Heather Westphal, who died in October 2008. All who worked with Heather or knew her can take comfort that her passion for and intention to improve the fire service is reflected in this scholarship fund.

Support for this Fund was received from iWomen. For more information about the IAFC Foundation, to donate to this fund, or to apply for a scholarship, please go to www.iafcf.org

Conclusion

I know it’s hard to understand the differences and lots of things sound strange! It was the same for me before I came over to the United States and met all the different fire fighters all over your country. And coming to the iWomen conference in Tampa this year, was even a step more about learning and understanding how it works in your country! Can’t wait for the next time!

Sorry about my horrible English, I think it’s not too bad when I talk, but writing is a different level! If you have any questions, feel free to ask me or visit me. I’m open for every friendship overseas!

Take care out there all my friends.

Love Mimi, grisuuu@gmx.ch

Fire Fighting In Switzerland

(Continued from Page 8)

That was the first and last death person on duty in Zurich the biggest city of Switzerland! That’s it, I don’t know about any others in the last years that died on duty! At least not because they have been fire fighters, accidents can happen in every job or even doing your housework.

Membership Renewals

Watch for your iWomen membership renewal notice in your emails. Renewal notices are emailed to you from the staff office during your anniversary month.

Not sure if your membership is current? Contact our staff office: staff@i-women.org or call 703.896.4858.
Break Time for Nursing Mothers under the FLSA (Department of Labor)

This provides general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA"), which took effect when the PPACA was signed into law on March 23, 2010 (P.L. 111-148). This law amended Section 7 of the Fair Labor Standards Act (FLSA).

General Requirements
Employers are required to provide “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” Employers are also required to provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” The FLSA requirement of break time for nursing mothers to express breast milk does not preempt State laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond 1 year after the child's birth).

Time and Location of Breaks
Employers are required to provide a reasonable amount break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother’s use, it must be available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Where to Obtain Additional Information
For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov

HEART HEALTHY RECIPE
Very Lemony Chicken: This tangy chicken scores high on taste, while being lower in calories, saturated fat, and cholesterol.

INGREDIENTS:
1½ lb chicken breast, skinned, fat removed; ½ cup fresh lemon juice; 2 Tbsp white wine vinegar; ½ cup fresh lemon peel, sliced; 3 tsp fresh oregano, chopped (or 1 tsp dried oregano, crushed); 1 medium onion, sliced; ¼ tsp salt; Black pepper, to taste; ½ tsp paprika

DIRECTIONS:
1. Place chicken in a 13x9x2-inch glass baking dish.
2. Mix lemon juice, vinegar, lemon peel, oregano, and onions. Pour over chicken, cover, and marinate in refrigerator several hours, turning occasionally, or overnight.
3. Sprinkle with salt, pepper, and paprika. Cover and bake at 300ºF for 30 minutes. Uncover and bake for additional 30 minutes or until done. Serves 4 Nutritional information: 179 calories; 4g fat; 1g saturated fat;

You have received this newsletter because you are a member of the International Association of Women in Fire and Emergency Services (formerly, Women in Fire Services and Women Chief Fire Officers). If you would like to opt-out of this type of communication, please log into your member account on our website and select “unsubscribe” or contact our staff office via email at staff@i-women.org.