



What's Mutual Aid?

Mutual Aid is a blog of news and views from FIRE CHIEF staff and industry experts -- a virtual conversation about the issues important to you.

Pregnancy in the fire service: Leaves of absence

by Alisa Arnoff in Mutual Aid

Jan. 8, 2013
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Pregnancy, job assignments, leaves of absence, breastfeeding in the workplace, childrearing and the like are issues in the fire service. The [NFPA even has updated its standard addressing pregnancy](#) — a sure sign that these issues are in the forefront.

CASE STUDY: Developing a work-during-pregnancy policy for female firefighters of Palm Beach (Fla.) Fire Rescue

Here are some statements for you to consider. For each, is the answer “Yes,” “No,” or “It depends”?

“Pregnancy leave” and “maternity leave” are the same thing. No.

Many employers use these phrases interchangeably — that is wrong. A “pregnancy leave” covers the period of pregnancy, childbirth and the period necessary to recover from childbirth. “Maternity leave,” on the other hand, is properly used to refer to a period of childrearing. “Maternity leave” refers to when the leave is taken by the mother; “paternity leave” is used when it is taken by the father. It would be simpler if everyone just used the phrases “pregnancy leave” and “childrearing leave” (in my perfect world).

There is no precise barometer — legal or medical — to determine when, other than when a delivery is difficult, recovery from childbirth ends and childrearing time begins. Yes.

This makes the focus of the following statement frustrating.

It is alright to give mothers more childrearing leave than fathers. No.

To do so would violate Title VII of the Civil Rights Act, which prohibits gender discrimination. Men have the same right to childrearing leave as women.

The Family & Medical Leave Act (FMLA) does not apply to small

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departments. It depends.

If your department is part of a public entity, then it is covered, regardless of size. If you belong to a small private company, such as an incorporated ambulance service with less than 50 employees, then there is no coverage.

If we have a collective-bargaining agreement, we need not worry about the FMLA. It depends.

If you have a private company with less than 50 employees, then this is true. But in all other aspects, you still have to be concerned with the FMLA, even if unionized. Further, a collective-bargaining agreement (like any other policy) can provide greater rights to time off and other benefits than those required by the FMLA.

An expectant father may take leave under the FMLA to drive his wife to a prenatal doctor’s appointment. It depends.

If the wife is incapacitated as a result of her pregnancy, i.e., is on bed rest and cannot drive, then the husband’s need to take time off to drive her is protected by the FMLA, assuming he is a covered employee.

Determining whether someone is eligible for leave under the FMLA and how much leave he or she has available can be difficult and time consuming. Yes.

Unfortunately, we need to do this anyway. Someone who is not given proper leave time can sue the department.

A female firefighter must inform her superiors as soon as she learns she is pregnant. What do you think? I will answer this question in my next post.

If there are any things you would like me to address on these issues, feel free to e-mail me directly at aba@sacounsel.com.

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hyutars

on Jun 17, 2013

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sisoko

on Jul 1, 2013

it is a good article and for sure many women will do it like you said. [charter](#)

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domdomsoft1

on Jul 9, 2013

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CASE STUDY: Developing a work-during-pregnancy [Kimi no Iru Machi anime watch](#) policy for female firefighters of Palm Beach (Fla.) Fire Rescue

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zion1122

on Jul 29, 2013

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