

WORKING WHILE PREGNANT IN ALABAMA?

A Know Your Rights Guide



A Better Balance is a nonprofit advocacy organization with an office in Montgomery, that uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones and stay on the job.

WORKPLACE ACCOMMODATIONS



Your right to job changes at work to keep you healthy.



Examples of reasonable accommodations: time off for prenatal appointments, a stool or chair, access to food or drink, a modified or reduced schedule, limiting heavy lifting, frequent bathroom or rest breaks, and many others.

You may be covered under the **Pregnancy Discrimination Act (PDA)**

- The PDA prohibits unfair treatment of workers because of their pregnancy, childbirth, or related medical conditions, including lactation.
- Employers with 15+ employees may be required to provide reasonable accommodations to employees if an employer also provides accommodations to other employees who need them.

If you have a pregnancy related medical condition or disability, such as preeclampsia or gestational diabetes, you may be covered under the **Americans with Disabilities Act (ADA)**

- The ADA makes it illegal for employers in the U.S. with 15+ employees to discriminate against workers with a disability. This means your boss cannot fire you, cut your hours, or harass you because you have a disability.
- Under the ADA, a disability is a physical or mental impairment that largely impacts one or more major life activities i.e., walking, standing, lifting etc. Pregnancy, by itself, is not considered a disability, but some conditions of pregnancy may be considered disabilities.
- This law requires an employer to provide reasonable accommodations (or minor job changes) to employees with qualifying medical conditions unless it would impose an “undue hardship” on the business, meaning it would be difficult or expensive.

Want to ask for an accommodation?

1. Take a look at the policies your job has in place for requesting accommodations.
2. Let your boss know that you have a related medical condition arising from your pregnancy, and a need for a reasonable accommodation.
3. Be clear about what kind of accommodation you need and come prepared with a plan.

*If your boss requires a note from your doctor to confirm your medical need, make sure that the doctor’s note is as specific as possible and outlines exactly what you can and cannot do at work.



TAKING TIME OFF FROM WORK



Your right to unpaid leave during pregnancy, childbirth, and to bond with a new child.

Have you...

- Worked for an employer with 50+ employees within a 75-mile radius? **AND**
- Worked at your employer for at least 12 months? **AND**
- Worked at least 1,250 hours in the year prior to needing leave?

If you answered **YES**, to **ALL** three, you may be covered under the **Family and Medical Leave Act (FMLA)**

- FMLA provides up to 12 weeks of **unpaid** time off of work per year, on a reduced schedule, all at once, or in small increments to care for your own serious health needs, including pregnancy, bonding with your baby, or care for a seriously ill or injured family member, without losing your job (or your health insurance, if you have it).
- You should notify your employer 30 days in advance, unless it is an emergency.
- Your employer cannot punish you for taking or asking for FMLA leave.

If you answered **NO**, to one or more questions, you may still be eligible for unpaid time off for things like pre- or post- natal appointments or maternity leave as a reasonable accommodation under the ADA and the PDA. See *the section on workplace accommodations*.

***Always double check with your employer about their specific leave policies, including PTO, vacation, or sick leave.**



PUMPING AT WORK

Your right to breastfeed or express milk at work.



Are you a non-exemptⁱ employee who is eligible for overtime, meaning if you work more than 40 hours a week you get paid time and a half?

YES

You may be covered under the **Federal Break Time for Nursing Mothers Law**.

- This law entitles you to (1) reasonable break time to express milk as needed during the workday, and (2) a clean, private, non-bathroom space to express milk until your baby is one year old.
- Breaks do not have to be paid, unless your employer already provides paid break time.
- Employers with less than 50 employees may be exempt from the Break Time Law if they can prove that providing breaks or space would cause their business significant difficulty or expense.
- You should talk to your employer about your intention to express milk at work before you return to work.

NO, I am exempt from FLSA minimum wage and overtime laws.

You may still be eligible for space or break time for your breastfeeding needs as a reasonable accommodation under the PDA and ADA. See *the section on workplace accommodations*.

Under Alabama law, you have the right to breastfeed your child in any public or private location.

***Unfair treatment based on the need to breastfeed (for example, firing, punishing, or harassing you because you are breastfeeding or expressing milk at work) is illegal under the federal Break Time for Nursing Mothers Law and the Pregnancy Discrimination Act.**

Please note that this fact sheet is not intended to provide a complete overview of any of the laws described.

ⁱ For more information on whether you are exempt or non-exempt from the federal overtime law, the Fair Labor Standards Act, visit the Department of Labor's website at <http://webapps.dol.gov/elaws/whd/flsa/screen75.asp>.