

Legal Resource Kit

Pregnancy and Parental Leave: An Employment Guide

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Introduction and Overview of Federal Law

Discrimination against pregnant women has long been a part of employment in the United States. Pregnant women have lost their jobs, been refused unemployment benefits, been denied sick leave and health insurance benefits, and suffered many other forms of discrimination. Fortunately, the law has changed over the last two decades, and pregnant workers now have more rights than ever before. This Legal Resource Kit is designed to give an overview of how the law does and does not protect you so that you can make informed decisions about how to guard against discrimination. This legal resource kit is not a substitute for the services of an attorney.

I. FIRST STEPS WHEN YOU LEARN YOU ARE PREGNANT

Find out about your employer's policy. Check with your union, if you have one, or your company's personnel office. Often, company policy is not in writing. In that case, you'll need to do some research. After you find out what the company's official policy is, talk to other women who have taken maternity leave. Ask how they were treated, and see how that differs from what's "official."

Second, take a close look at how men and women with non-pregnancy disability leave have been treated, so you can determine whether treatment is evenhanded. Combined with your research efforts at work, the following information should help you understand what your rights are under the law.

II. MATERNITY LEAVE

What is maternity leave?

There are two types of leave that can be called "maternity leave":

1) *disability leave*, which consists of the time a woman is unable to perform work because of pregnancy, childbirth

and their aftermath; and

2) *child care* or *child-rearing leave*, which consists of the time after birth or adoption during which a parent cares for the child.

These are sometimes treated quite differently under the law, as will be explained later.

Which Laws Apply to Pregnancy and Maternity Leave?

If you believe that your employer is discriminating against you, you should know the federal, state and local laws (municipal laws) that protect you. The two main types of law that apply to pregnant workers and new parents are federal and state law. Federal laws are passed by the United States government and apply to all states. This Kit focuses on the federal laws designed to protect against sex discrimination on the basis of pregnancy and provide for disability and parenting leaves: Title VII of the Civil Rights Act of 1964, which includes the Pregnancy Discrimination Act of 1978, and the Family and Medical Leave Act of 1993. They are described below and in the charts on pages 5-7.

In addition to federal law, most states and many cities and towns have their own equal employment laws, which in

some cases give you more rights and remedies and more favorable procedures. State laws are only valid in the individual state in which the law was passed. You should check with the state and municipal departments of employment / human rights / human relations for information on state and local laws in your area.

The "Resource List" at the end of this kit includes a number to locate the Equal Employment Opportunity Commission ("EEOC") office nearest to you as well as a list of each state's equal employment agencies where pregnancy discrimination claims are filed. Additional state and city numbers are in your telephone directory.

III. RELEVANT FEDERAL LAWS

Title VII of the Civil Rights Act of 1964 (Title VII) (applies to companies with 15 or more employees within 75 miles)

Title VII covers many forms of discrimination you may encounter because of your sex in decisions about hiring, firing, work assignments and conditions, promotions, benefits, training, retirement policy and wages. Labor unions, employment agencies and joint labor-management committees are also prohibited from practicing these forms of discrimination. All sex discrimination is prohibited; that is, your supervisor may not treat you less favorably than he would a man in the same situation because of your sex. In 1978, Congress passed the Pregnancy Discrimination Act (PDA),¹ amending Title VII in order to clarify that discrimination based on pregnancy is a form of sex discrimination. From here on in this Kit, references to Title VII should be understood to include the PDA.

Title VII prohibits employers from treating pregnant women or temporarily physically disabled new mothers differently from other temporarily sick, injured or disabled employees. To begin with, it is illegal for an employer to fire you, or refuse to hire you, because you are pregnant. An employer is also prohibited from making employment decisions based on the possibility

that you might become pregnant in the future.² This means that any benefits, leave or reinstatement rights other workers get from your employer when they cannot work for health reasons should be available to pregnant women and new mothers who are temporarily physically disabled. For example, any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis that it covers other medical conditions. Likewise, if employees with conditions such as heart attacks, surgery, etc. receive disability compensation, it must also be provided for women who are temporarily disabled due to pregnancy or childbirth.

You should be aware, however, that sometimes the official policy of the company may say that no one is entitled to disability leave, but in practice they've bent the rules for a male employee who had a bypass operation, for example. If that is the case, the company must also bend those rules for pregnant women. For example, if a company without a disability policy lets a man who has had a heart attack take a paid leave, then that employer is obligated by federal law to give paid leave to a woman who cannot work because of pregnancy for as long as she cannot work.

Unfortunately, if other temporarily disabled workers are not entitled to benefits, then neither are pregnant women or temporarily physically disabled new mothers. Nothing in Title VII requires an employer to provide disability leave or pay medical or hospital coverage to any worker. Title VII does, however, prohibit employers from refusing to hire someone due to pregnancy or from firing someone due to pregnancy. Although even today many companies tell pregnant women that they must quit work a specified amount of time before their due date, the law prohibits employers from forcing an employee to go on maternity or disability leave when she is able to work.

Family and Medical Leave Act (applies to companies with more than 50 employees within 75 miles)

In 1993, Congress enacted the Family and Medical Leave Act (FMLA).³ The FMLA guarantees an employee who has been working at least a year for a company with 50 or more employees the right to job-protected, 12-week unpaid leave to recover from a serious medical condition -- including pregnancy -- or to care for a newborn, a newly adopted child, or a seriously ill child, parent or spouse. Under the FMLA, the employee may take up to twelve weeks of such leave every year. The FMLA guarantees that at the end of the leave the employee will be given the same job she left or another job equivalent in pay, benefits and other terms and conditions.⁴ However, an employee in the highest-paid 10% of the employer's work force is not guaranteed reinstatement if it would cause "substantial and grievous economic injury"

to the employer. In addition, employers are not required to reinstate employees who would have been laid off had they continued to work during the leave period, as for example, during a general layoff. The FMLA does not pre-empt state laws that may provide for longer unpaid leave or for paid leave.

What can I do if my company has less than 15 employees?

Although smaller companies are not required to offer pregnancy or other disability leave under Title VII or the FMLA, they may be required to do so by state law. Or, the company itself may choose to offer paid or unpaid disability leave.

The following chart summarizes the major provisions of federal law relating to pregnancy and leave.

State laws regarding pregnancy and leave vary widely. Check with your state and local departments of employment, human rights, and/or human relations to find more information on your rights under state and local law, and for information on how to enforce those rights.

FEDERAL LAWS THAT APPLY TO PREGNANCY AND FAMILY LEAVE				
NAME OF LAW	ELIGIBLE EMPLOYERS	ELIGIBLE EMPLOYEES	WHAT THE LAW PROVIDES	WHAT TO DO IF YOU SUSPECT YOUR RIGHTS ARE VIOLATED
TITLE VII (1964) AND THE PREGNANCY DISCRIMINATION ACT OF 1978	<ul style="list-style-type: none"> • Employers with 15 or more employees • Labor unions • Employment agencies. 	Pregnant women and new mothers whose physical condition qualifies them for disability leave under company policy.	Title VII prohibits sex discrimination by employers on the basis of pregnancy. Employers must treat pregnant employees the same as employees with disabilities. If the employer gives leave for employees with disabilities, the employer must also give leave for pregnant employees.	<p>You can file a complaint with the EEOC or your state employment agency.</p> <p>To find out the number of your local EEOC, call 1-800-669-4000 or 1-800-669-6820 (TTY), or log on to www.eeoc.gov.</p>
FAMILY AND MEDICAL LEAVE ACT OF 1993 (See chart on pages 6-7 for more information)	<p>Employers with:</p> <ul style="list-style-type: none"> • 50 or more employees; • within a 75-mile radius of each other; • for 20 work weeks during the current or previous calendar year.⁵ <p>This includes federal, state, and local government employees. It also includes Congressional employees.</p>	<p>Employees who:</p> <ul style="list-style-type: none"> • have been employed for at least 12 months AND • have worked at least 1,250 hours during the last 12 months⁶ AND • work for an employer who employs at least 50 employees within 75 miles of the employee's work site.⁷ 	<p>Employers must grant up to 12 weeks of unpaid leave (and continuing health insurance) for:</p> <ol style="list-style-type: none"> 1) the birth or adoption of a child; 2) the placement of a foster care child; 3) care for a seriously ill⁸ family member, including a child, parent, or spouse;⁹ and 4) the employee's own serious health condition. 	<p>You can file a complaint with the United States Department of Labor.</p> <p>The FMLA is administered and enforced by the Wage and Hour Division of the United States Department of Labor,¹⁰ which has offices throughout the United States. Look in your local phone book for the nearest office, or call the U.S. Department of Labor at 1-866-4-USWAGE or 1-877-889-5627 (TTY) or write to: U.S. Department of Labor, Wage and Hour Division, 200 Constitution Avenue, N.W., Washington, D.C. 20210. You can get further information on the internet at www.dol.gov/elaws/fmla.htm.</p>

FEDERAL LAWS THAT APPLY TO PREGNANCY AND FAMILY LEAVE (cont'd)

NAME OF LAW	ELIGIBLE EMPLOYERS	ELIGIBLE EMPLOYEES	WHAT THE LAW PROVIDES	WHAT TO DO IF YOU SUSPECT YOUR RIGHTS ARE VIOLATED
STATE LAWS ¹¹	Varies, but usually covers employers with less than 15 employees.	Varies from state to state.	Varies from state to state.	Check with your state and local departments of employment, human rights and/or human relations for more information on how to file a claim.

FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993

- additional information -

How much notice do I have to give my employer before taking FMLA leave?	Prior to taking FMLA leave, an eligible employee is required to give at least 30 days advance notice to his or her employer whenever the leave is foreseeable; if the leave is not foreseeable, notice must be given as soon as possible. ¹²
Do I have to provide certification of the health condition to qualify?	The employer may require written certification from a health care provider showing that an employee or family member has a serious health condition that qualifies for FMLA leave. ¹³
Do I have to take the leave all at once, or can I spread out my leave over time?	An employee has the right to take FMLA medical leave on a reduced or intermittent leave basis for the employee's own serious illness or to care for a seriously ill family member, if the intermittent or reduced leave is medically necessary, as certified by a health care provider. In addition, an employee with a new baby may be able to take intermittent leave or may be able to work part-time during the leave period if the employer agrees.
Will I be reinstated to my job when I return to work?	An employee is entitled to be reinstated to his or her previous job or to an equivalent position with the same pay and benefits upon returning from FMLA leave.
Who pays for my health care benefits during the leave?	The FMLA requires an employer to continue providing health care benefits to the employee at the same level and under the same conditions coverage would have been provided if the employee had been continuously employed for the duration of such leave.

FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993 (cont'd)
- additional information -

<p>What happens if there other family leave laws that apply to me?</p>	<p>The employer must follow state and local family leave laws when their applicable provisions are more generous than the federal FMLA.</p>
<p>Do I have to use my accrued vacation or sick days as part of my FMLA leave?</p>	<p>Employees may choose to use paid accrued vacation or personal leave to cover some or all of their FMLA leave. Employers may also require employees to use accrued leave as part of the 12 weeks of leave. The substitution of sick leave for FMLA leave is up to the employer's policies.</p>
<p>How do I find out about my employer's FMLA policies?</p>	<p>Covered employers must post an FMLA notice explaining employees' rights with respect to leave. An employer who violates this requirement may be fined up to \$100.</p>

Disability Leave for Pregnancy

What is considered to be the disability period during and after pregnancy?

During pregnancy, women are only considered “disabled” to the extent they are unable to work. All women are considered to be “disabled” following childbirth although the amount of disability leave is limited to what is medically necessary. This is determined by your doctor, although companies sometimes require a second opinion by a physician they choose. Medically, vaginal birth usually creates about six weeks of disability time; a Caesarean section usually requires approximately eight weeks. If there are complications, disability might last longer.

How does the law treat pregnancy disability leave for employers with less than 50 but more than 15 employees?

In companies with more than 15 employees, but fewer than 50 employees (thus, subject to Title VII but not the FMLA), if a woman becomes disabled due to pregnancy, either during the pregnancy or after it, she must be treated just like all other disabled employees. For example, if an employer lets a man who has a heart attack take three weeks off, the employer is required by law to allow a woman who is disabled because of pregnancy to take time off. The amount of leave time will depend on the advice of her physician.

Unfortunately, if a company fires anyone who misses work for more than a week, then a pregnant woman who

misses work for more than a week has no legal basis to complain under Title VII if that company fires her. The treatment of pregnant workers must be the same as that of other workers. Even if it seems unfair, if all workers -- pregnant and not pregnant -- are treated unfairly, there is no legal basis for a pregnant worker to complain.

You should be aware, however, that sometimes the *official* policy of the company may say no one is entitled to disability leave, but *in practice* they've bent the rules for someone high up who had a bypass operation, for example. If that is the case, the firm must also bend those rules for women who become disabled due to pregnancy.

Is there a minimum amount of disability leave an employer with less than 50 employees has to give?

Not under federal law, but there are minimums under some state laws. As of November 2005, eighteen states and Puerto Rico require most employers to provide temporary disability leave for pregnant employees.¹⁴ But the majority of states don't provide pregnant workers with any legal guarantee of disability or parenting leave. Many states are considering legislation to provide or extend mandatory benefits. Some states have proposed legislation that would offer longer leave periods and partial payment for leave. Because the situation in the states is constantly changing, you should check with your state to find out the current law where you live.

How does the law treat pregnancy disability leave for employers with 50 or more employees?

If there are more than 50 employees, the FMLA requires that an employer provide up to 12 weeks of **unpaid** leave for pregnancy disability and child care leave combined. A woman's partner can also get up to 12 weeks of unpaid leave to care for the new child, if the child is a biological, adopted, foster child, step child, or legal ward of the partner.¹⁵

Can my employer force me to take an unwanted leave either before or after giving birth?

It is unlawful for an employer to have a rule that requires all pregnant employees or women who have just given birth to take a mandatory leave. An employer also cannot assign different responsibilities to a pregnant employee just because the employer does not feel comfortable having the employee interact with clients or the public. Employers must make individual assessments of whether an employee is physically able to perform her job. A woman must be permitted to continue working as long as she is capable of performing the job.

If a woman takes a pregnancy leave, can the employer replace her while she's gone?

In companies with more than 15 employees, but fewer than 50 employees, an employer must allow the woman to return to work after pregnancy or maternity leave in the same manner as employees return after other disabilities. If no reinstatement is granted for other disabilities, an employer does not have to grant reinstatement after pregnancy or maternity leave.

Under the FMLA, in companies with more than 50 employees, a person cannot be replaced while on family or medical leave unless she or he is in a position that is of special importance to the company and the absence would cause grave and serious harm to the company.

What happens to my seniority when I go on leave?

Your employer does not have to give seniority credit for your time on leave unless others on disability leave receive seniority credit. However, when you return to

work your employer cannot deny you the seniority credit you accumulated prior to your leave.¹⁶

What if I need to work fewer hours or do less heavy lifting during the pregnancy?

You should get a doctor's order that states that you should work fewer hours or do less heavy lifting, as the case may be. Company policy (either written or unwritten) will determine whether the company must comply with your doctor's order. You, as a pregnant worker, must be treated the same way as others with temporary disabilities. If your company is covered by the FMLA, you are entitled to take intermittent leave or a reduced leave schedule when medically necessary.¹⁷ Thus, for example, you could reduce your hours from full-time to part-time if your health care provider believed it was medically necessary.

Can I take time off from work outside the pregnancy disability period?

If you voluntarily leave your job to prepare for the birth of your child before you are actually disabled, or if you decide to stay home to care for your baby after you have recovered from giving birth, your legal right under federal law to a leave of absence depends on the size of your employer. If you work at a company with more than 50 employees, you can take leave under the FMLA. If you work in a smaller company, you have no legal right under federal law to a leave of absence. However, several states and the District of Columbia require employers with under 50 employees to provide family leave.¹⁸ In addition, some employers provide their own parental leave policy as a benefit of employment at their company.

Can I breast-feed or pump milk at work or in public places?

Probably yes. As of November 2005, over thirty states, including New York, have passed statutes or amendments to existing laws that specifically protect a mother's right to breast-feed in all public or private places where the mother is otherwise authorized to be.¹⁹

Some states provide incentives for businesses to encourage breast-feeding. It is probably a good idea to check with your employer to determine whether it has instituted a particular program for breast-feeding

mothers. If you feel that your employer has harassed you or discriminated against you because you want to breast-feed on the job, you may have a sexual harassment or sex discrimination claim against your employer.

What Can I Do If I Think My Rights Have Been Violated?

First, review the charts on pages 5-7 to determine which laws apply to your situation and your options for taking action. For example, if Title VII applies to your employer, then you may consider filing a complaint of pregnancy discrimination with the Equal Employment Opportunity Commission (“EEOC”), which enforces Title VII. If the FMLA applies to your employer, and you have a leave-related problem, then you may consider filing a complaint with the Department of Labor, which is the agency that enforces the FMLA. In addition to being enforced by different agencies, each of these federal laws allows different types of remedies. You may also consider what your remedies and options are under the laws in your state.

Be sure that you know what the timing requirements are for an action under each law. For example, claims based on violations of the FMLA must be brought within two years; claims of “willful” violations may be brought within three years.

I. WHAT CAN I DO IF I EXPERIENCE PREGNANCY-RELATED DISCRIMINATION UNDER TITLE VII?

It is a violation of Title VII for your employer to treat you differently from other employees because you are pregnant. Additionally, Title VII obligates employers to treat women who are unable to work because of pregnancy the same way they treat employees with temporary disabilities.

To be successful on a claim of pregnancy-related discrimination, you must be able to show that your employer knew you were pregnant. The less visible the pregnancy, the more difficult it is to prove that your employer knew of it.²⁰

If you ultimately decide to complain informally or formally about pregnancy discrimination under Title VII, then documentation of different treatment can be very helpful to your case. First find out what your employer’s disability leave policy is. Check to see whether any other employees have gotten time off from work for temporary disabilities, like a heart attack or surgery.

It may also be helpful for you to keep track of your interactions with your employer. Keep records of any requests you make for accommodations of your pregnancy, like if you need to work fewer hours or do less heavy lifting. You should also keep track of your employer’s response to your requests. Write down the dates of your requests (and your employer’s responses), and the name and job title of the person of whom you made the request. If you presented a doctor’s note to explain why you needed a particular accommodation, be sure to keep a copy of the note with your records.

It is also a violation of Title VII for your employer to make employment decisions on the basis of your current or potential pregnancy. If you have been fired, and you think that it was because of your pregnancy, proof of your job performance will probably be relevant if you decide to sue. If your employer keeps written records

about your job performance and you have a good employment record, immediately mail a sealed copy of your employment records to yourself and do not open the postmarked envelope. It may be useful evidence, and this way, will be safe from loss or tampering.

If you lose your job, apply for unemployment insurance benefits.

Federal law prohibits states from denying unemployment benefits solely on the basis of pregnancy.²¹ In determining eligibility, states may not presume that women are unable to work because of pregnancy or childbirth -- they must treat them as if they had any other disability.²² A state may, however, deny benefits to a woman who leaves her job voluntarily because of pregnancy if the state imposes the same rule on all other claimants who voluntarily leave their jobs.²³

Should I confront my employer about the pregnancy-related discrimination before filing a complaint or lawsuit?

Many people would rather resolve workplace problems informally, because of the potentially complicated and time-consuming process of filing a complaint and/or a lawsuit. Check your employee handbook or with human resources to see if your employer has an internal policy or process for reporting and handling discrimination claims.

You may be required to follow that process before filing a complaint with an agency or court. In addition, if you are member of a union, check your collective bargaining agreement or talk to your shop steward to see if there is a grievance procedure you have to follow first.

If you choose to try to resolve things informally, be aware of the filing time limits required by the EEOC and state or city agencies. If you are not able to solve the problem informally, you may want to follow through by filing a complaint, so be careful to preserve that option.

How do I file a complaint if I've been discriminated against because of pregnancy?

To file a complaint about pregnancy discrimination under Title VII, contact the nearest EEOC office and/or the human rights agency that enforces your state and/or city equal employment laws. To find the nearest federal EEOC branch office, call 1-800-669-4000 or 1-800-669-6820 (TTY), log on to www.eeoc.gov, or write to: Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, DC 20506. You will be directed to the nearest or most appropriate office. See page 12 and the attached state resource guide for a listing of state and local agencies.

There is no fee for filing and the agency does not charge for either investigating or attempting to resolve your complaint. Include in your complaint all instances of discrimination and the names of all responsible supervisors. When talking to federal and local agencies concerning discrimination or civil rights violations, find out the requirements for filing a claim. Request a description of the process in writing. The following is a suggestion of the questions you should consider asking:

- ® Where and with whom do I file?
- ® What is the time limit within which I must file?
- ® What is the process once I have filed?

For the EEOC, you should ask some additional questions:

- ® If I file with you, will you investigate my claim or will you send it over to the state agency to investigate?
- ® If you send it to the state, will that have any effect on rights I may have under state law?

For state/city agencies, ask:

- ® If I file with you will I lose my right to bring my

case in state court?

Be very careful to take note of the time limits required by these agencies. If you do not comply with these limits your complaint may be dismissed. Do not delay in contacting them. They will only accept discrimination complaints that are current or less than 180 to 300 days old (depending on the agency). Note: Federal employees must file with their EEO counselor within 45 days.

The agency process is designed for use without lawyers and without large expenditures of time and money. There is no fee for filing. Your complaint should describe all the types of discrimination you have suffered and include all the supervisors who took part or failed to stop the discrimination. The agency will notify your employer of your complaint, investigate it and attempt to resolve the problem. At the end of the investigation, the EEOC sends you either a "right to sue" letter or notification that they intend to bring the case on your behalf by initiating a suit in federal court. If the EEOC litigates the case on your behalf, you do not pay them for their efforts. You may receive monetary damages, such as back pay and reinstatement.

Far more common is the "right to sue" letter. It means that the EEOC will not bring the case. The letter will indicate whether or not the EEOC believes that discrimination took place. Even if the EEOC does not believe it, you may still go to court and try to prove it there.

II. WHAT CAN I DO IF MY RIGHTS UNDER THE FMLA ARE VIOLATED?

The FMLA guarantees specific protections for people who work for an employer with 50 or more employees. Check to see what your employer's FMLA policies are. Employers are allowed to choose to substitute sick leave for FMLA leave, among other things, so it is important to find that information out.

If you think your rights have been violated and you decide to file a complaint or a lawsuit, documentation can be very helpful. Write down the date of your request for

leave, the name of the person with whom you dealt, and the date on which you wanted the leave to start. If your employer asked you for written certification that the leave was medically necessary, keep a copy of that certification. You should also keep track of your employer's response, and any communication you have with your employer about your request for pregnancy leave. If your employer keeps written records of job performance, and you have a good employment record, it may be a good idea for you to mail a copy to yourself. Do not open the postmarked envelope. If your employer refuses to reinstate you with the same pay and benefits when you return from pregnancy leave, your employment records may be very useful evidence.

Should I confront my employer about the FMLA violations before filing a complaint or lawsuit?

You are not required by the FMLA to give your employer any notice or opportunity to remedy the problem before you file a complaint or a lawsuit. Practically speaking, however, you may prefer to try to resolve FMLA violations informally.

Consider enlisting your co-workers to support you in dealing with your employer. If you are a union member, review your collective bargaining agreement and think about talking to your shop steward or your local representative and following the grievance procedures outlined in the contract.

In the course of dealing with your co-workers, you may discover that others have also experienced FMLA violations. These people could share expenses of a lawsuit, and be added to the claim by name or anonymously, as members of a group of people who have been similarly treated.

Filing an FMLA Complaint With the Department of Labor

If you think you have been wrongly denied family or medical leave, contact your regional office of the Wage and Hour Division of the U.S. Department of Labor to

file a complaint, or you can call the Department of Labor at 1-866-4-USWAGE (1-866-487-9243) or log on to www.dol.gov/elaws/fmla.htm. The Department of Labor will review the merits of the complaint and where appropriate will attempt to resolve the conflict through negotiations with the employer. If the negotiations are unsuccessful, in some cases the Secretary of Labor will file a lawsuit on behalf of the employee.

Generally a complaint must be filed within two years of the date of the last action that you think violated the FMLA. However, if it can be shown that the action taken by the employer was willful, the complaint should be filed as soon after the date of the suspected violation as possible.

III. HOW DO I FILE A LAWSUIT?

If you are not satisfied by the responses from the EEOC or the Department of Labor, consider hiring a lawyer to file a lawsuit. However, if the Department of Labor files a lawsuit on your behalf you cannot file an independent civil suit.

Court procedures and deadlines are more complex than those of the EEOC or the Department of Labor. It is best to be represented by an attorney familiar with sex discrimination or employment law. One problem with bringing your own case is that lawyers are expensive. Very little federal funding exists to pay for free legal representation for people with sex discrimination cases. However, if your income is less than 125% of the federal poverty level, you may be able to get free legal services from the Legal Aid Society or a Legal Services Corporation office in your area.

Additionally, you may be able to retain an attorney for either no fee or a small down payment. You and your attorney can agree that if the case is won she will seek an award of reasonable fees from your employer as provided in the applicable laws and/or receive a pre-determined percentage of any money you win.

IV. WHAT CAN I WIN IF MY COMPLAINT OR LAWSUIT UNDER TITLE VII IS SUCCESSFUL?

Should you succeed in your action against your employer for pregnancy discrimination under Title VII, you may be entitled to one or more of the following²⁴:

- Ⓜ Employment, if an employer engages in hiring discrimination on the basis of pregnancy.
- Ⓜ Reinstatement or compensation for the wages that you would have earned without the employer's discrimination.
- Ⓜ Promotion, if you are denied an advancement due to your pregnancy.
- Ⓜ Reasonable attorney's fees and costs of the lawsuit.

In addition, since Title VII was amended by the Civil Rights Act of 1991, if you win your pregnancy discrimination case you may be able to make the employer pay you for the pain and suffering the discrimination caused (compensatory damages), and possibly an additional amount to punish the employer if you can show that the employer intentionally planned to discriminate against you or acted without caring whether or not you would suffer (punitive damages). Currently, there is a limit on the amount of compensatory and punitive damages that you can win in even the worst cases. The limit depends on how many employees the employer has. The limits are as follows:

<u>Total Employees</u>	<u>Total Damages</u>
15-100	\$ 50,000
101 to 200	\$ 100,000
201 to 500	\$ 200,000
501 or more	\$ 300,000

Either a judge or a jury, if you or the employer asks for one, decides on the amount of damages within these limits if you win. Your state laws on equal employment opportunity, contracts and torts, under which you may have additional rights, may also give you damages.

V. WHAT CAN I WIN UNDER THE FMLA IF MY COMPLAINT OR LAWSUIT IS SUCCESSFUL?

If you succeed in winning your complaint or lawsuit against your employer for violating the FMLA, you may be entitled to one or more of the following²⁵:

- ® Reinstatement or compensation for lost wages, if your employer refuses to give you your job back after you have properly taken your FMLA leave.
- ® Reimbursement for actual monetary loss, such as the cost of providing care to a dependent, if FMLA leave is improperly denied.
- ® Employment benefits, such as health insurance or fringe benefits that have been withheld from you because you took FMLA leave.
- ® Promotion, if you are denied an advancement due to your use of FMLA leave.
- ® Reasonable attorney's fees and costs of the lawsuit.
- ® Interest at the prevailing rate on the amount of back wages, lost benefits, and other damages.
- ® "Liquidated damages" in the form of double the entire amount of damages and interest. The court can decide to not award such damages only if the employer proves that it acted in good faith and that it had reasonable grounds for believing that its actions were not a violation of the FMLA.

Most lawyers, even if they don't charge fees unless you win, require that you cover the "costs," *e.g.*, filing and

witness fees, deposition and transcript fees, copying, telephone calls and other out-of-pocket expenses. If you agree to this, make sure that you have a good understanding of how much this may cost. A lawsuit will be an investment of money as well as time.

VI. HOW DO I FIND A LAWYER?

To locate a lawyer, begin by asking your friends and family for a possible referral. Most state bar associations provide lawyer referral services. To locate your local bar association, look in the telephone directory under the name of the county, city, or state.

Your local women's bar association may also make referrals, whether formally or informally. If you can't find them in the phone book, call the bar association for the number. Don't be discouraged if they say they've never heard of a women's bar association -- ask them to check for any association of women lawyers. The women's bar and other local women's organizations may be able to put you in touch with attorneys who are more likely to be sympathetic and knowledgeable about women's concerns.

Consulting several recommended attorneys may enable you to find one in whom you can have confidence. Although such "shopping around" is a smart idea, it is important to ask about fees in advance. Sometimes there will be no fee, or a reduced fee, for an initial consultation, but in some cases the attorney will charge his or her regular rate, which could be over \$200 an hour.

If you cannot afford an attorney, you should consult your local legal aid or legal services office, which may provide you with free representation if you qualify. Unfortunately, not all such offices handle every type of case. If your local office does not handle the type of case that you have, sometimes it can provide you with a referral to a low-cost attorney.

When you think you have found the right attorney, ask him or her if he or she will be able to represent you throughout the entire case. (Sometimes an attorney may

turn your case over to a junior attorney you have never met). Similarly, find out exactly what services the attorney will perform for you personally and which ones he or she will delegate to other members of the firm and legal staff. Read the retainer agreement -- the form specifying the attorney's responsibilities, hourly fee, costs you will be expected to cover, etc. Ask questions if there are any provisions you do not understand. If you think any of the provisions are unfair, tell the attorney. If you are not satisfied with the agreement, try to negotiate changes, or reconsider your choice of attorney. Do not sign the retainer agreement until you are comfortable that you understand and agree to all the provisions. Also, make sure you will receive a regular itemized bill unless you have agreed to a flat rate.

Is it worth filing a lawsuit?

Be aware that finding a lawyer takes a long time and a lot of work. The lawsuit itself will take a long time, perhaps years. You may have a good case, but your success in a lawsuit depends not only on what is true, but what can be proved. Evidence is often hard to collect, witnesses forget, and your life moves on while the lawsuit drags on. Filing a lawsuit is not for everyone and may not be the only or best way to try to solve your problem.

NOTES

1. 42 U.S.C. § 2000e(k).
2. *See Automobile Workers v. Johnson Controls*, 499 U.S. 187, 206 (1991) (holding that the Pregnancy Discrimination Act prohibits employers from considering reproductive capacity in making employment decisions; employers may only evaluate a woman's ability to perform her job on the basis of activities that are essential to the particular business).
3. 29 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654.
4. Teachers are eligible for family and medical leave; however, an employer may be able to place restrictions on when a teacher can return to work to avoid disruptions during the school year. If a teacher is requested to take off more time, the extra time taken cannot be counted against the employee's 12 weeks of family or medical leave.
5. 29 U.S.C. § 2611(4)(A)(i).
6. *Id* § 2611(2)(A).
7. *Id* § 2611(2)(B)(ii).
8. A "serious" illness is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a residential medical care facility, or continuing treatment by a health care provider. *Id* § 2611(11).
9. 29 U.S.C. § 2611(12) (defining sons and daughters). "Spouse" is limited to husbands and wives. *Id* § 2611(13). An employer is not required to allow an employee leave in order to care for a domestic partner or same-sex partner.
10. The U.S. Office of Personnel Management administers the FMLA for most federal employees. In 1995, the Congressional Accountability Act (CAA) re-codified FMLA protections for congressional employees. 2 U.S.C. § 1312. The CAA created an Office of Compliance, an independent non-partisan agency charged with administration of the FMLA for congressional employees, among its other duties. 2 U.S.C. §§ 1381-1385, 1401-1416.
11. A few cities have municipal policies that deal with pregnancy and family leave. Contact your municipal departments of employment, human rights, and/or human relations for more information.
12. An employee must give enough information in her notice to explain that she is taking leave for pregnancy, childbirth, or child-rearing. *See, e.g., Gay v. Gilman Paper Co.*, 125 F.3d 1432 (11th Cir. 1997) (finding the employer did not have notice of a possible FMLA situation because the employee did not adequately inform the employer of the reasons for her leave).
13. The employer may also request second or third medical opinions as to the employee's (or family member's)

health condition, and she/he may also ask for periodic reports during the leave period regarding the employee's status and intent to return to work.

14. CAL. GOV'T CODE § 12945 (Deering 2005) (applies to employers with more than five employees); CONN. GEN. STAT. § 46a-60(a)(7) (2004) (applies to employers with more than an annually determined number of employees); IOWA CODE § 216.6(2e) (2005) (applies to all employers); KAN. ADMIN REGS. § 21-32-6(b) (applies to employers with more than four employees); LA. REV. STAT. ANN. § 23:341, 23:342 (West 2005) (applies to employers with more than 25 employees); ME. REV. STAT. ANN. tit. 5, § 4572-A (West 2005) (applies to employers with any number of employees); MASS. GEN. LAWS Ann. ch. 149, § 105D (West 2005) (applies to employers with more than six employees); MINN. STAT. § 181.941 (2005) (applies to employers with more than 21 employees); MONT. CODE ANN. § 49-2-.310(2) (2005) (applies to employers with more than one employee); NEV. REV. STAT § 613.335 (2005) (applies to employers with more than 15 employees); N.H. REV. STAT. ANN. § 354-A:7(VI) (2005) (applies to employers with more than six employees); N.Y. WORK. COMP. LAW § 201(9) (McKinney 2005) (applies to all employers); OHIO ADMIN. CODE § 4112-5-05(G) 2005) (applies to employers with more than four employees); OR. REV. STAT. § 659A.162 (2005) (applies to employers with more than 25 employees); 43 PA. CONS. STAT. § 955(a) (2005) (as interpreted in *Dallastown Area School District v. Commonwealth of Pennsylvania, Pennsylvania Human Relations Comm'n*, 460 A.2d 878, 880 (1983)) (applies to employers with more than four employees); R.I. GEN LAWS § 28-5-6(2) (2005) (applies to all employers); S.C. CODE ANN. § 1-13-30(l) (Law. Co-op. 2004) (applies to employers with more than 15 employees); VT. STAT. ANN. tit 21, § 472 (2005) (applies to employers with more than 15 employees).
15. Both parents can take up to 12 weeks of leave, which may be taken simultaneously or consecutively. However, if both parents work for the same employer, the employer may limit the combined leave to 12 weeks during a 12- month period.
16. 29 U.S.C. § 2614(a)(1)-(3).
17. 29 C.F.R. § 825.203.
18. See U.S. Department of Labor, Federal vs. State Family and Medical Leave Laws, at <http://dol.gov/esa/programs/whd/state/fmla/index.htm> (last visited November 10, 2005) (providing a comparison between state family leave laws and the FMLA, and links to the state enforcement agencies for further information, including the citations for the laws).
19. See, e.g., FLA. STAT. ch. 383.015 (2005); N.Y. CIV. RIGHTS LAW § 79-e (2005); N.C. GEN. STAT. § 14-190.9(b) (2005). The National Conference of State Legislators tracks state legislation relating to mothers' rights to breast-feed in public, summarizing relevant statutes with citations: <http://www.ncsl.org/programs/health/breast50.htm> (last visited November 10, 2005).
20. See, e.g. *Geraci v. Moody-Tottrup*, 82 F.3d 578 (3d Cir. 1996)(employee who was not visibly pregnant, did not inform management that she was pregnant, and asked her co-workers and friends not to tell management could not prove pregnancy discrimination); see *Steinkamp v. Changes Int'l of Fort Walton Beach, Inc.*, 373 F. Supp.2d 163 (S.D.N.Y. 2005) (where defendant employer proved the decision to fire plaintiff had been made on November 23, and plaintiff could not prove that employer knew she was pregnant before November 28 or 29, plaintiff

could not prove pregnancy discrimination); *Pierson v. Mrs. Fields Cookies*, 857 F. Supp. 867 (D. Utah 1994) (plaintiff could not prove the employer knew she was pregnant, even though other workers knew, and she took a ten-day sick leave due to morning sickness).

21. The Federal Unemployment Tax Act prohibits states from denying unemployment compensation solely on the basis of pregnancy. 26 U.S.C. § 3304(a)(12).
22. *See Turner v. Dep't of Employment Security*, 423 U.S. 44, 46 (1975) (invalidating a Utah statute making pregnant women ineligible for unemployment compensation benefits from 12 weeks before the expected date of childbirth until six weeks after birth and finding that the statute created a conclusive presumption that pregnant women were unable to work because of pregnancy and childbirth, thereby violating due process).
23. While § 3304(a)(12) prohibits statutes that deny unemployment benefits solely on the basis of pregnancy, thereby singling out pregnancy for unfavorable treatment, the Supreme Court has found that it does not ban neutral rules that incidentally disqualify pregnant or formerly pregnant women. *See Wimberly v. Labor & Industrial Relation Comm'n*, 479 U.S. 511, 516 (1987).
24. 42 U.S.C. § 2000e-5 (2005).
25. 29 U.S.C. § 2617 (2005); 29 U.S.C. § 2617(a)(1)(A)(iii).

Resource List

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NATIONAL RESOURCES

Equal Employment Opportunity Commission (EEOC)

(800) 669-4000

www.eeoc.gov

Call the 800 number or log on to the website to locate the office nearest you. You will be directed to the nearest or most appropriate office. All information is presented in both English and Spanish.

Equal Rights Advocates

(800) 839-4372

1663 Mission Street, Suite 250

San Francisco, CA 94103

www.equalrights.org

info@equalrights.org

Call the hotline or visit the website to obtain advice and information on your pregnancy leave and discrimination legal rights.

Federally Employed Women

(202) 898-0994

P.O. Box 27687

1666 K Street, N.W., Suite 440

Washington, DC 20006

www.few.org

Federal employees experiencing sex discrimination can call this number for advice.

National Employment Lawyers Association (NELA)

(415) 296-7629

44 Montgomery Street Suite 2080

San Francisco, California 94104

www.nela.org/about/attorney_listings.htm

Visit the website to find an employment lawyer in your area.

National Organization for Women (NOW)

www.now.org

Visit the website to find your local chapter of the largest organization for feminist activism in the United States.

National Partnership for Women and Families

(202) 986-2600

1875 Connecticut Ave., NW, Suite 650

Washington, DC 20009

www.nationalpartnership.org

info@nationalpartnership.org

The website includes a helpful Pregnancy Discrimination Guide and a FMLA Question and Answer Guide. You can also call for more information.

National Women's Law Center

(202) 588-5180

11 Dupont Circle, NW, Suite 800

Washington, DC 20036

www.nwlc.org

Visit the website for information about pregnancy discrimination and leave and for a list of legal resources.

9 to 5, National Association of Working Women

Job Problem Hotline: (800) 522-0925

152 West Wisconsin Ave, Ste. 408

Milwaukee, WI 53203-2308

www.9to5.org

Hotline@9to5.org

Counselors on the "job-problem hotline" provide basic legal counseling, as well as referrals to legal services and support groups. You will automatically be forwarded to the local chapter when you call.

Women Employed

Job Counseling Hotline: (312) 782-3902, open Friday 10 a.m.-12 p.m. Central Time

111 North Wabash Avenue, Suite 1300

Chicago, IL 60602

www.womenemployed.org

info@womenemployed.org

Call the hotline for advice and counseling, or visit the website for thorough fact sheets.

STATE RESOURCES

Alabama

Equal Employment Opportunity Commission

(205) 212-2100

1130 22nd Street South, Suite 2000

Birmingham, AL 35205-2397

www.eeoc.gov

Alaska

Alaska Women's Resource Center

(907) 276-0528

610 C Street, Suite 2A

Anchorage, AK 99501

awrc@awronline.org

www.awronline.org

Alaska State Commission for Human Rights

(907) 274-4692

(800) 478-4692

800 "A" Street, Suite 204

Anchorage, AK 99501-3669

<http://gov.state.ak.us/aschr/aschr.htm>

Arizona

Center for Prevention of Abuse and Violence (CASA)

(602) 254-6400

Hotline: (602) 254-9000

77 E. Thomas Rd., Suite 112

Phoenix, AZ 85012

www.casacares.org

Attorney General's Office, Civil Rights Division

(602) 542-5025

1275 West Washington Street

Phoenix, AZ 85007

Website lists all offices: www.ag.state.az.us/civil_rights

Arkansas

Equal Employment Opportunity Commission

(479) 324-5060

820 Louisiana St., Suite 200

Little Rock, AR 72201

www.eeoc.gov

California

University of California at San Francisco, Center for

Gender Equity

(415) 476-5837

100 Medical Center Way, Box 0909

San Francisco, CA 94143-0909

cge@genderequity.ucsf.edu

www.ucsf.edu/cge/

Referral service

Equal Rights Advocates

(415) 621-0672

(800) 839-4ERA

1663 Mission St., Suite 250

San Francisco, CA 94103

www.equalrights.org

info@equalrights.org

California Department of Fair Employment and
Housing

(916) 227-0551

(800) 884-1684 (in-state only)

2000 O St., Suite 210

Sacramento, CA 95814-5212

www.dfeh.ca.gov

See website for additional office locations

Workers' Rights Clinic Employment Law Center
(415) 864-8848
(415) 864-8208
600 Harrison St., Suite 120
San Francisco, CA 94107
www.employmentlawcenter.org
info@las-elc.org

Colorado

Colorado Civil Rights Division
(303) 894-2997
(800) 262-4845
1560 Broadway, Suite 1050
Denver, CO 80202
www.dora.state.co.us/civil-rights/ccra@dora.state.co.us

Denver 9 to 5
(303) 628-0924
655 Broadway, Suite 400
Denver, CO 80203
www.9to5colorado.org

Connecticut

Connecticut Women's Education and Legal Fund
(800) 479-2949
135 Broad Street
Hartford, CT 06105-3701
www.cwealf.org
cwealf@cwealf.org

Connecticut Commission on Human Rights & Opportunities
(860) 541-3400
(800) 477-5737
(860) 541-3459 (TDD)
21 Grand Street
Hartford, CT 06106
www.state.ct.us/chro
See website for additional office locations

Delaware

Contact Delaware
Crisis Line: (302) 761-9100
Kent/Sussex Counties: (800) 262-9800 (in-state only)
P.O. Box 9525
Wilmington, DE 19809
www.contactdelaware.org

Delaware Department of Labor, Office of Labor Law Enforcement
(302) 761-8200
4425 N. Market St.
Wilmington, DE 19809
www.delawareworks.com/industrialaffairs/services/Laborlawenforcement.shtml

District of Columbia

DC Office of Human Rights
(202) 727-4559
(202) 727-9589 (fax)
441 4th Street, NW
Suite 570 N
Washington, DC 20001
www.ohr.dv.gov/ohr/site/default.asp
ohr@dc.gov

DC Employment Justice Center
(202) 828-WORK
1350 Connecticut Ave, NW Suite 600
Washington, DC 20036-1712
www.dcejc.org
justice@dcejc.org

Florida

Florida Commission on Human Relations
(800) 342-8170
(850) 488-7082
2009 Apalachee Pkwy, Suite 100
Tallahassee, FL 32301-4857
<http://fchr.state.fl.us>
fchrinfo@dms.state.fl.us

Florida National Employment Lawyers Association
www.floridanela.org/members.php
Attorney listings

Georgia

Georgia Commission on Equal Opportunity
<http://gceo.georgia.gov>

For state agency workers:

(404) 656-1736
229 Peachtree Street
710 International Tower
Atlanta, GA 30303-1605

For private sector workers:

(404) 562-6800
100 Alabama SW Suite 4R30
Atlanta, GA 30303

9 to 5 National Association of Working Women

(404) 876-1630
(800) 522-0925
1430 West Peachtree St, #610
Atlanta, GA 30309
www.atlanta9to5.org

Hawaii

Sexual Abuse Treatment Center
Crisis: (808) 524-RAPE (7273)
55 Merchant Street, 22nd Fl.
Honolulu, HI 96813

Hawaii Civil Rights Commission
(808) 586-8636
830 Punchbowl Street, Room 411
Honolulu, HI 96813
<http://hawaii.gov/labor/hcrc>
info@hicrc.org

Idaho

Idaho Women's Network
(208) 344-5738
P.O. Box 1385
Boise, ID 83701
iwn@rmci.net

www.idahowomensnetwork.org

Idaho Commission on Human Rights
(208) 334-2873
1109 Main Street, 4th Fl.
Boise, ID 83720-0040
www.state.id.us/ihr/ihrchome.html
inquiry@ihr.state.id.us

Illinois

Illinois Department of Human Rights
(312) 814-6245
James R. Thompson Center
100 West Randolph Street, Suite 10-100
Chicago, IL 60601
www.state.il.us/dhr/
(See website for additional office locations)

National Employment Lawyers Association/Illinois
(312) 759-0830
53 W. Jackson Blvd, Suite 660
Chicago, IL 60604
www.nela-illinois.org/db/search
Attorney Listings

Indiana

Information and Referral Network
(317) 920-4850
P.O. Box 30530
Indianapolis, IN 46230
www.irni.org

Indiana Civil Rights Commission
(317) 232-2600 or (800) 628-2909
Indiana Government Center N103
100 North Senate Ave.
Indianapolis, IN 46204
www.in.gov/icrc

Iowa

Women's Resource and Action Center
(319) 335-1486
(319) 353-1985

University of Iowa
130 N. Madison Street
Iowa City, IA 52242
wrac@uiowa.edu
www.uiowa.edu/~wrac

Iowa Civil Rights Commission
(515) 281-4121, (800) 457-4416
Grimes State Office Building
400 East 14th St.
Des Moines, IA 50319
www.state.ia.us/government/crc
(See website for additional office locations)

Kansas

Kansas Human Rights Commission
(785) 296-3206
Landon State Office Building
900 SW Jackson, 8th Floor, Suite 568-S
Topeka, KS 66612-1258
www.khrc.net

Kentucky

Kentucky Commission on Human Rights
(502) 595-4024 or (502) 595-4801
(800) 292-5566 (in-state only)
332 W. Broadway, Suite 700
Louisville, KY 40202
kchr.mail@ky.gov
www.state.ky.us/agencies2/kchr

Legal Aid of the Bluegrass
(859) 233-4556 or (800) 928-4556
498 Georgetown Street
P.O. Box 12947
Lexington, Kentucky 40583-2947
www.accesstojustice.org/CKLS.html
help@cklegal.net

Appalachian Research and Defense Fund of Kentucky
(606) 886-3876
120 North Front Ave.
Prestonsburg, KY 41653

www.accesstojustice.org/ARDF.html

Louisiana

Equal Employment Opportunity Commission
(504) 589-2329
New Orleans District Office
701 Loyola Ave., Suite 600
New Orleans, LA 70113-9936

New Orleans Legal Assistance Group
(504) 529-1000
144 Elk Place, Suite 100
New Orleans, LA 70112

Louisiana Pro Bono Project
(504) 581-4043
www.gnacn.org/~probono/

Maine

Maine Women's Lobby
(207) 622-0851
P.O. Box 15
Hallowell, ME 04347
www.mainewomen.org/homeMWL.htm
info@mainewomen.org

Maine Women's Policy Center
(207) 622-0851
P.O. Box 85
Hallowell, ME 04348
www.mainewomen.org/homeMWPC.htm
info@mainewomen.org

Maine Human Rights Commission
(207) 624-6050
51 State House Station
Augusta, ME 04333-0051
www.state.me.us/mhrc/
Sheila.Pierce@maine.gov

Maryland

Maryland Commission on Human Relations
(410) 767-8600 or (800) 637-6247 (in-state)

6 St. Paul St., Suite 900
Baltimore, MD 21202
www.mchr.state.md.us
(See website for additional office locations)

Equal Employment Opportunity Commission (EEOC)
(410) 962-3932 or (800) 669-4000
Baltimore District Office
10 S. Howard Street, Third Floor
Baltimore, MD 21201
www.eeoc.gov

Massachusetts

Cambridge Women's Center
(617) 354-6394
Helpline: (617) 354-8807
46 Pleasant Street
Cambridge, MA 02139
www.cambridgewomenscenter.org
info@cambridgewomenscenter.org

Massachusetts Commission Against Discrimination
(617) 994-6000
McCormack State Office Building
1 Ashburton Place, Room 601
Boston, MA 02108
www.state.ma.us/mcad/
(See website for additional office locations)
Women in Development of Greater Boston
(617) 489-6777
93 Concord Ave, Suite 8
Belmont, MA 02478
www.widgb.org

Michigan

Michigan Department of Civil Rights
(517) 335-3165
Capitol Tower Building, Suite 800
Lansing, MI 48933
www.michigan.gov/mdcr
(See website for additional office locations)

Minnesota

Minnesota Women's Consortium
(612) 228-0338
555 Rice St.
St. Paul, MN 55103
www.mnwomen.org

Minnesota Department of Human Rights
St. Paul, MN 55101
(651) 296-5663
(800) 657-3704
TTY- (651) 296-1283
Army Corps of Engineers Centre
190 E. 5th Street, Suite 700
www.humanrights.state.mn.us/

Mississippi

Jackson Area Office Equal Employment
Opportunity Commission (EEOC)
(601) 965-4537
(601) 965-5272
207 W. Capitol St., Suite 207
Jackson, MS 39269

Missouri

Missouri Commission on Human Rights
(573) 751-4091
Toll Free: (877) 781-4236
3315 W. Truman Boulevard
P.O. Box 1129
Jefferson City, MO 65102-1129
MCHR@dolir.mo.gov
www.dolir.mo.gov/hr
(See website for additional office locations)

Montana

Montana Human Rights Division
(406) 444-2884 or (800) 542-0807
Dept. of Labor & Industry
P. O. Box 1728
Helena, MT 59620
<http://erd.dli.mt.gov/humanright/hrhome.asp>

Nebraska

Nebraska Equal Opportunity Commission
(402) 471-2024 or (800) 642-6112
State Office Building, 5th Floor
301 Centennial Mall South
P.O. Box 94934
Lincoln, NE 68509
www.neoc.ne.gov

University of Nebraska Women's Center
(402) 472-2597
340 Nebraska Union
Lincoln, NE 68588-0446
womenscenter@unl.edu
www.unl.edu/involved/womens_center/

Nevada

Nevada Equal Rights Commission
(702) 486-7161
1515 East Tropicana, Suite 590
Las Vegas, NV 89119-6522
http://detr.state.nv.us/nerc/NERC_index.html

New Hampshire

Womankind Counseling Center
(603) 225-2985
21 Green Street
Concord, NH 03301-8501

New Hampshire Commission for Human Rights
(603) 271-2767
2 Chenell Drive
Concord, NH 03301
humanrights@nhsa.state.nh.us
www.state.nh.us/hrc/index.html

New Jersey

New Jersey Division on Civil Rights
(609) 292-4605
140 E. Front Street, 6th Floor
P. O. Box 090
Trenton, NJ 08625-0090
www.njcivilrights.com
(See website for additional office locations)

New Mexico

New Mexico Human Rights Division, DOL
(800) 566-9471
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
www.dol.state.nm.us/dol_hrd.html

New York

NOW NYC Helpline
150 W. 28th St., Suite 304
New York, NY 10001
contact@nownyc.org
www.NOWNYC.org
The NOW Helpline schedules appointments for legal clinics on topics including employment discrimination.
NOW NYC Service Fund
(212) 627-9895

New York State Division of Human Rights
(518) 474-2705
Empire State Plaza Agency Bldg. 2, 18th Floor
P.O. Box 2049
Albany, NY 12220-0049
www.dhr.state.ny.us
(See website for additional office locations)

North Carolina

North Carolina Human Relations Commission
(919) 733-7996
217 West Jones Street
Raleigh, NC 27603-8003
www.doa.state.nc.us/hrc

NC Women United
(866) 518-7657
P. O. Box 10013
Raleigh, NC 27605
www.ncwu.org
info@ncwu.org

North Dakota

Women's Center, University of North Dakota
(701) 777-4300

305 Hamline Street
P. O. Box 7122, UND
Grand Forks, ND 58203
undwomenscenter@und.nodak.edu

North Dakota Department of Labor
(701) 328-2660 or (800) 528-8032 (in-state only)
(800) 366-6888 (TTY)
State Capitol, 13th Floor
600 E. Boulevard, Dept. 406
Bismarck, ND 58505-0340
humanrights@state.nd.us

Ohio

Committee Against Sexual Harassment (CASH)
(614) 224-9121
YWCA
65 South 4th Street
Columbus, OH 43215
www.ywcacolumbus.org

Ohio Civil Rights Commission
(614) 466-5928
Southeast Regional Office
1111 East Broad Street, Suite 301
Columbus, OH 43205
www.crc.ohio.gov
(See website for additional office locations)

Oklahoma

Oklahoma Human Rights Commission
(405) 521-2360
2101 North Lincoln Boulevard, Room 480
Oklahoma City, OK 73105-4904
http://www.odl.state.ok.us/sginfo/oksg/ok_right.htm

Oregon

Sexual Assault Support Services (SASS), Lane County
(541) 343-SASS (7277)
591 W. 19th Avenue
Eugene, Oregon 97401
www.sass-lane.org

Oregon Bureau of Labor and Industries, Civil Rights
Division
(503) 731-4200
State Office Building
800 N.E. Oregon, Suite 1045
Portland, OR 97232
www.oregon.gov/BOLI/CRD/index.shtml
BOLI.MAIL@state.or.us

Pennsylvania

Pennsylvania Human Relations Commission
(215) 560-2496
1400 Spring Garden Street
711 State Office Bldg
Philadelphia, PA 19130
www.phrc.state.pa.us

Rhode Island

Rhode Island Commission for Human Rights
(401) 222-2661
180 Westminster Street, 3rd Floor
Providence, RI 029031
www.richr.state.ri.us

South Carolina

Center for Women
(843) 763-7333
531 Savannah Highway
Charleston, SC 29407
www.c4women.org
c4women@bellsouth.net

South Carolina Human Affairs Commission
(803) 737-7800
2611 Forest Drive, P. O. Box 4490
Columbia, SC 29204
www.state.sc.us/schac

South Dakota

South Dakota Division on Human Rights
(605) 773-4493
700 Governors Dr.
Pierre, SD 57501
www.state.sd.us/dol/boards/hr

HELP!Line Center
1000 West Avenue North, Suite 310
Sioux Falls, SD 57104-1314
www.helplinecenter.org

Tennessee

Rape and Sexual Abuse Center
24 hour crisis lines (615) 256-8526
(800) 879-1999
25 Lindsley Avenue
Nashville, TN 37210
www.rasac.org

Tennessee Human Rights Commission
(615) 741-5825
530 Church St., Suite 305
Cornerstone Square Building
Nashville, TN 37243-0745
www.tennessee.gov/humanrights

Texas

Women's Advocacy Project
(512) 476-5377
(800) 777-3247 (FAIR) (family law hotline)
(800) 374-4673 (HOPE) (family violence)
P.O. Box 833
Austin, TX 78767-0833
www.women-law.org
info@women-law.org

Texas Commission on Human Rights
(512) 463-2642 or (888) 542-4778 (in-state only)
8100 Cameron Road, Bldg. B, Suite 525
P.O. Box 13006 Austin, TX 78711
<http://tchr.state.tx.us>

Utah

Utah Industrial Commission, Anti-Discrimination
Division
(801) 530-6801
P. O. Box 146630
160 East 300 South
Salt Lake City, UT 84111
www.utah.gov

Vermont

Vermont Human Rights Commission
(802) 828-2480
(800) 416-2010 (in Vermont only)
135 State Street, Drawer 33
Montpelier, VT 05633-6301
www.hrc.state.vt.us

Virginia

Alexandria Human Rights Commission
(703) 838-6390
421 King St., Suite 400
Alexandria, VA 22314
www.ci.alexandria.va.us

Fairfax County Human Rights Commission
(703) 324-2953
12000 Government Center Parkway, Suite 318
Fairfax, VA 22035-0093
www.co.fairfax.va.us/hrc/

Washington

Northwest Women's Law Center
(206) 621-7691 (hotline)
3161 Elliott Ave., Suite 101
Seattle, WA 98121
www.nwwlc.org
nwwlc@nwwlc.org

Washington State Human Rights Commission
(360) 753-6770 or 1-800-233-3247
711 S. Capital Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
www.wa.gov/hrc
(See website for additional office locations)

West Virginia

Center for Economic Options, Inc.
(304) 345-1298
214 Capitol Street, Suite 200
Charleston, WV 25301
www.economicoptions.org
info@economicoptions.org

West Virginia Human Rights Commission
(304) 558-2616 or (888) 676-5546
1321 Plaza East, Room 108A
Charleston, WV 25301
www.wvf.state.wv.us/wvhrc
wvhrc@wvdhhr.org

Wisconsin

9 to 5, Working Women's Organization
(414) 274-0924
Job Problem Hotline: (800) 522-0925
152 West Wisconsin Ave., Suite 408
Milwaukee, WI 53203-2308
www.9to5.org

Wisconsin Department of Workforce Development,
Equal Rights Division
(608) 266-6860

201 East Washington Avenue, Room 407
Madison, WI 53708
www.dwd.state.wi.us/er/

Wyoming

Women's Center Collective
(307) 672-7471
Hotline (307) 672-3222
P.O. Box 581
Sheridan, WY 82801

Wyoming Fair Employment Program
(307) 777-7261
1510 E. Pershing Blvd., West wing
Cheyenne, WY 82002
<http://wydoe.state.wy.us>

Other Women's Groups

Speaking to other women who have experienced discrimination can help you find support and useful information. Local NOW Chapters (a complete list is available at <http://www.now.org/chapters/states.html>) and other non-legal women's groups in your community may run support groups addressing sex discrimination