

PWFA

Understanding this New Legislation

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There is a new federal law which recently went into effect on June 27, 2023, called the **Pregnant Workers Fairness Act** (PWFA). The PWFA can sometimes allow **UNPAID** leave beyond the amount provided for in district policy to help with a pregnancy. This law supplements the Family Medical Leave Act (FMLA).

To explain the PWFA it is important to first explain the gaps in FMLA. Under the FMLA, covered workers can receive up to 12 weeks of job-protected unpaid leave for, among other things, a serious health condition, the birth of a child, bonding with a newborn within one year of birth, and caring for a family member. However, federal legislators were concerned survey data showed only 56 percent of US employees were eligible for FMLA leave. The PWFA is meant to supplement the FMLA and close some of these gaps.

FMLA has prerequisites including but not limited to:

- Worked for the employer at least 12 months
- Worked at least 1,250 hours over the past 12 months
- Work at a location where the company employs 50 or more employees within 75 miles

Employees who needed time off were often falling through the cracks. One of the most common gaps in FMLA is the lack of applicability to new teachers who only recently began to work for a new employer. There are also frequently problems for support staff who fail to meet the 1,250-hour minimum. (Regarding the third limitation, thankfully public-school employees are generally exempt from the staffing minimum requirement).

As far as PAID time off teachers should check their school's local maternity/paternity leave policies. Additionally, teachers might be permitted to use sick days if pregnancy causes a serious health condition or complication.

However, if you or a coworker needs time off for pregnancy and the previous tools (FMLA and local policy) are insufficient, please reach out to PEI. The PWFA may be of assistance!

This summary is for informational purposes only and does not constitute legal advice. You should not take any action based on these materials before consulting with an attorney.