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Your Dream Maternity Leave

Written by Linda Childers
Monday, 05 February 2007

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Experts and regular moms who've been there explain how to create the perfect plan for your family.

Laura Laing's maternity leave didn't go as smoothly as she had hoped. Not long after giving birth, she found herself sitting at home sobbing because her boss said she couldn't work part-time for the duration of her leave.

"My boss and I had discussed my maternity leave plans briefly a month before I had my daughter, and I wrongly assumed I would get the same benefits as my co-workers," says Laing, who worked for a local newspaper in Baltimore, Md. "Just like the other two women who had given birth in the previous months, I thought I would be able to work halftime for six weeks before resuming a full-time schedule."

But Laing's boss declined her request. Ultimately, she negotiated nine weeks off, including three part-time weeks, before returning full-time. "In retrospect I wish that I had confirmed my maternity leave plans ahead of time," she says.

Like Laing, many expectant moms—particularly firsttimers—take planning maternity leave for granted. But because most women announce their pregnancies to their employers at the end of their first trimester (or sooner if they begin showing or experiencing severe morning sickness), early pregnancy is the ideal time to decide how much time you want to take off, how your job will get done in your absence, and whether you'll return to work.

<>What else do you need to know to wisely plan your leave? We've rounded up expert answers to some of the most common and vexing maternity-leave questions.

Q: How much maternity leave are new moms allowed to take?

A: Maternity leave benefits vary from state to state, job to job. An employer can offer paid maternity (or paternity) leave as a specific benefit or as part of a company's disability policy. "Women should talk with a representative from their human resources department to find out the specific length of maternity leave they are entitled to take," says Brette Sember, author of *Your Practical Pregnancy Planner: Everything You Need to Know About the Financial and Legal Aspects of Preparing for Your New Baby*.

Most women use a combination of short-term disability (STD), sick leave, vacation, personal days, and unpaid family leave. If you live in a state that has paid state disability leave (CA, HI, NJ, NY, RI), you can collect disability benefits for about six weeks after a vaginal birth and eight weeks after a C-section.

New parents may also be eligible for unpaid leave through the federal Family and Medical Leave Act (FMLA), or a state family-leave act, once their STD coverage runs out. You qualify for the FMLA if you have worked at least 1,200 hours in the last 12 months and if your employer has 50 or more employees. You can take up to 12 weeks in a 12-month period, either as one continuous block of time, or by reducing your work schedule to parttime for the equivalent of 12 weeks.

Q: Can a woman be assured her job and benefits will be waiting for her when she returns from leave?

A: By law, an employer must let a woman who has taken maternity leave return to her job, or to one with equivalent pay, with health benefits.

"According to the FMLA, your company must continue to keep you on its health insurance plan while you're on leave, whether it's disability or family leave," says Sember. "Typically, a company will pay your health benefit premiums but ask to be reimbursed for your share (the amount taken out of your check)."

Q: What steps should a woman take when planning for maternity leave?

A: You first need to decide how much time you want to take and consider your family's ability to make do without your paycheck if you take unpaid leave. Find out exactly what benefits your company provides. For instance, you might be able to apply unused vacation and sick days to your maternity leave.

"I advise women to write a plan that illustrates how and when they would like to take time off," says NancyW. Hall, Ph.D., author of *Balancing Pregnancy and Work: How to Make the Most of the Next 9 Months on the Job*. "They should consider whether or not they want to work as close to their due date as possible and then take a full 12 weeks of maternity leave, or if they would rather take eight weeks off and then go back part-time for two months before resuming a full-time schedule."

Q: When should a woman announce her pregnancy?

A: As a courtesy, you should tell your boss before your co-workers and before you are obviously showing. "Some women like to wait until after their first trimester," says Hall. "I've also met women who waited until after their performance review, to ensure it wasn't biased."

One of the most important things to do is allay fears your boss may have about how your job will get done while you're on leave. "Don't go in there unprepared and have your boss say, 'I don't know how we're going to get along without you, because you're the only employee who can do this,'" Hall says. "Instead, go in with a plan of how you're going to do prep work before you leave, delegate responsibilities, and train co-workers. Sometimes your boss will come up with an even better plan and more benefits."

Q: The U.S. Equal Employment Opportunity Commission reported a 37-percent increase in pregnancy discrimination claims from 1992 to 2003. What forms does discrimination take?

A: Unfortunately, pregnancy discrimination is an issue that affects millions of American women each year. "I've seen women denied reasonable work accommodations during their pregnancy, or told their job was eliminated due to restructuring while they were on maternity leave," says Clint Brayton, an attorney and partner at Schneider & Wallace, a San Francisco law firm that handles pregnancy discrimination cases. "[But] by law, an employer cannot discharge, refuse to hire or promote, withhold training from, or harass a pregnant employee."

Q: What rights does a pregnant woman have if she's discriminated against?

A: The first step is to report your concerns in writing to your company's HR department, report complaints to your department. If you work for a small business and there is no human resources supervisor, even if that is the person who is doing the harassing/discriminating. Also take dated notes of events.

If that doesn't resolve the problem, consider consulting a lawyer. "Often a detailed note from an attorney will take care of the problems the woman is encountering at work," Brayton says.

Other remedies include arbitration, a legal proceeding in which a woman would testify before an arbitrator, and, in the most serious cases, a lawsuit. "Our firm recently handled a case where a woman was told that her position was eliminated 10 days after giving birth to her child," Brayton explains. "In arbitration, it was determined that another employee had taken over her job, and she was subsequently awarded \$447,894."

Women who choose to pursue pregnancy discrimination cases through the legal system are also protected against employer retaliation.

Q: Does an expecting mom need to tell a prospective employer she's pregnant?

A: The Pregnancy Discrimination Act prohibits employers from asking women if they are pregnant or are planning to become pregnant, and employees are not required to share this information. "If a woman wants to tell a prospective employer she's expecting, that's her choice," Sember says.

Q: What if a woman changes her mind while on maternity leave and wants more time or chooses not to return. How should she handle this?

A: It's a woman's prerogative to change her mind, and about four out of 10 women who take family leave choose not to return to their jobs.

"I advise women to assess how much time they are legally entitled to take, and then to reassess after their baby is born," says Hall. "A woman may decide she doesn't like being a stay-at-home mom, or she may discover she needs to go back to work for economic reasons. Women shouldn't make a decision like that until they have all the information, and they won't have all the information until they have their baby and their bills."

If you decide not to return, Hall recommends waiting until two weeks before your leave is scheduled to end before giving notice. "This way you maximize the time covered under your health insurance," she says.

Q: How can new moms negotiate a part-time or flexible schedule upon returning to work?

A: A part-time schedule is often a great way for new moms to ease back into work. Using the FMLA, you may be able to negotiate a temporary part-time schedule with your employer. "It's a good idea to have a set schedule in mind, as well as some thoughts about the responsibilities you can handle," Sember says.

Mothers who are interested in working part-time or flextime (a full-time schedule that usually offers fewer days with more hours per day, or more days with fewer hours per day), should talk with their bosses to determine company policy. "Emphasize you won't be working less, just a different schedule," Sember says. "See if your boss is willing to let you try working on a part[-time] or flextime basis for a set period of time to measure its effectiveness."

Job sharing is another alternative, which allows new moms to return to work with fewer hours. "Before proposing this, women need to come up with a solid plan for how it will work, and try to locate someone to do the job share," Hall says. "The key is showing your employer how the arrangement will benefit them."

Linda Childers is a Bay Area-based freelance writer who left the corporate world to work from home after the birth of her son. Her articles have appeared in Glamour, More, and Bay Area Parent.



