

Your Rights in the Workplace

Presented by: Legal Assistance of Western New York, Inc.



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Employment Laws

Employment laws can be complex.

This presentation will touch briefly on common topics of interest for parents and those caring for children.

It will also provide you with resources to find further information.

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New York Parental Leave

- Right to Take Leave
 - Family and Medical Leave Act (FMLA)
- Right to Take Leave and Get Paid
 - Paid Family Leave
- Getting Paid
 - Temporary Disability Insurance
- Accommodations
 - Pregnancy-Related Accommodations
 - Lactation Accommodations

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NYS Paid Family Leave

Paid Family Leave provides eligible employees job-protected, paid time off to:

Bond with a newly born, adopted or fostered child, care for a family member with a serious health condition, or assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service.

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COVID and Child Care Leave

Families First Coronavirus Response Act (FFCRA) requires employers with fewer than 500 employees to provide up to 80 hours of sick leave and an additional 10 weeks of paid family leave—paid at two-thirds the employee's regular rate—when employees are unable to work because they need to care for a child whose school or child care provider is closed or unavailable for COVID-19-related reasons.

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Protections Against Discrimination

It is unlawful pursuant to the Human Rights Law for an employer to discriminate because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

Employees or applicants for employment are protected from discrimination on the basis that they are, or are in the process of becoming, the parent or guardian of one or more children.

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Pandemic Unemployment Insurance

Pandemic Unemployment Assistance (PUA) is a federal program that was included in the [Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#). The program provides support for Americans who are unable to work due to the Coronavirus pandemic, but do not qualify for traditional Unemployment Insurance (UI). It includes people who are unable to work because they are providing primary care for a child who is unable to attend school because of the pandemic.

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Domestic Violence and UIB

New York State has laws so workers do not lose their jobs because of domestic violence.

Employers must make “reasonable accommodations” to help an employee deal with abuse. An example is giving an employee a day off to attend court.

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Domestic Violence and Unemployment

If you left your job or were fired because of issues related to domestic violence, you may be able to get unemployment insurance benefits (UIB).

Usually, people who quit their jobs cannot get UIB. However, if you can show “good cause” for quitting, you may be able to get these benefits.

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For Further Information

[New Paid Leave for COVID-19](#)

[New York State Paid Family Leave](#)

[Division of Human Rights Protections and Complaint Process](#)

[Pandemic Unemployment Assistance NY DOL](#)

[Domestic Violence and Unemployment Benefits FAQ NYDOL](#)

[Unemployment Insurance and Domestic Violence Fact Sheet NYDOL](#)

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