

## **Pregnancy Discrimination: Uniform Leave Policy Is Not Discriminatory.**

**E**ight months after starting to work at the facility a nursing home employee gave her supervisor a note from her doctor stating that she needed to be off work until she gave birth due to her medical condition related to her pregnancy.

The facility's leave policy said uniformly that no employee was entitled to a leave of absence for any reason prior to one year on the job. There was no dispute that that policy was in effect when she was hired and that she was given a copy of the employee handbook outlining the policy.

She left work shortly before her due date and was terminated three days later.

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***A uniform policy for length of service for leaves of absence is not discriminatory in and of itself.***

***Pregnant employees are entitled to exactly the same treatment as others, not preferential treatment.***

SUPREME COURT OF OHIO  
June 22, 2010

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The Supreme Court of Ohio ruled that the employee had no grounds to sue her former employer for pregnancy discrimination.

There was no evidence the employer's one-year service requirement prior to an approved leave of absence was intended to discriminate against pregnant employees or that the policy was applied in actual practice in a way that disadvantaged pregnant employees.

Pregnant employees are entitled under state and Federal pregnancy-discrimination laws to be treated equally with non-pregnant employees in all respects. The pregnancy discrimination laws do not entitle pregnant employees to preferential treatment. ***McFee v. Nursing Care Management***, \_\_ N.E. 2d \_\_, 2010 WL 2540720 (Ohio, June 22, 2010).