

# You decide activity

Law



This paper will discuss the legality of the fact whether why Carol was denied maternity leave based on ACE-AFSME Local 10 laws. The union contends that Carol should be denied of her leave because of the fact that she does not adhere to the definition of maternity leave. On the contrary, the collective bargaining agreements dictate that she should be granted the leave. Both sides will be discussed along with a final conclusion of the arbitrator.

As an employee, it is essential to understand the reasoning behind maternity leave. The reason behind maternity leave is to ensure that the mother has proper care and nutrition since her health is in jeopardy after the delivery. However in Carol's case, it is clear that she does not need that maternity leave. This is evident as Bob the Union leader states, " First, maternity leaves are necessary for the physical health and recovery of the mother. Second, the bond formed between mother and child is an important component of child rearing." This itself is the testament that Carol did not fulfill the first aspect of the leave itself, which should support the court to dismiss her case. Moreover, from a legal aspect- maternity is defined in an instance where a mother has conceived a child. Although the organization understand that this may be mentally exhaust Carol's ability not to conceive, it does not grant her the right to take a maternity leave due to the fact she is not conceiving.

Secondly, the vacation allocation of Carol seems to be illogical. If Carol wanted to request this vacation, she should have let her manager be aware of these circumstances. Instead, she takes a vacation of two weeks and then informs her manager after she comes back that she wants to go in a maternity leave. This type of behavior is not tolerable because her manager

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has now to allocate resources to her workload. It seems that this is against compliance.

First and foremost, the Family and Medical Leave Act protects the job of any worker who must take time away from work due to a serious illness, a sick family member or to care for a newborn, adopted or foster child. Under FMLA, mothers are able to time away regardless of the fact if the kids are fraternal or not. Furthermore, the bargaining act makes it clear that mothers are allowed to have up to 6 months of leave. If this in fact is the case, then there is no violation of the law as the collective argument upholds this.

Secondly, the focal point is that the law explicitly states that maternal or adoption leave. Looking at ACE-AFSME Local 10, Section 14- paternity leave is granted to a mother that includes maternity leave. Section 14 is explicit in this instance since a classified employee of the adoption may leave without 12 months. An employee in essence has to submit a request to HR for a leave, which is the correct protocol that Carol followed.. This has to be commencing once again with the time of the responsible adoption agency. It is clear Carol adhered to the policies that were clearly outlined in the organization's maternity leave guidelines

Although Carol was wrong about taking the two weeks of vacation and then asking for a maternity leave, it does not diminish the fact that AFSCME local 10 explicitly states that maternity leaves extend to adoption as well. Section 14 grants the mother the right to have maternity and adoption leave. The court cannot deny her request based on collective bargaining requirements that Carol has been denied. As an arbitrator, I would allow Carol a leave but compromise it with her to get 3 months on paid and the other non-paid. If she agrees to this compromise, it would suit both sides. This compromise is a <https://assignbuster.com/you-decide-activity/>

much better approach to ensure that both employer and Carol are happy with their decisions.

#### Works Cited

Negotiated Contract. (n. d.). Negotiated Contract AFCSME. Retrieved February 5, 2014, from <http://webcache.googleusercontent.com/search?q=cache:hvKK6gnKWrcj:www1.pgcps.org/Wloading>