



FEA EUROPE HUMAN AND CIVIL RIGHTS NEWSLETTER FEBRUARY 2012

ADOPTION LEAVE Members have been contacting me recently asking about the applicability of the Family Medical Leave Act (FMLA) to adoption situations,

and possible discrimination against those not able to or choosing not to have a natural born child. The confusion comes because our FEA contract from 1989 states in Article 22, Section 4 that teachers can only use Any-Purpose-Leave (APL) or Leave-With-Out-Pay (LWOP) for adoption. If this were still in effect, Teacher A who was out for two months with a newly adopted child was only able to take their three yearly APL days with pay and the rest would have to be LWOP, while Teacher B who was also out for 2 months but with a natural born child is able to utilize their Educator Leave (accrued sick leave) for the entire 2 months. Some could read this as Teacher A and Teacher B being treated differently based on whether or not their child was naturally born to them.

Luckily, Article 22, Section 4 has been superseded by two important items. First, the FMLA states that you can have 12 weeks of sick leave due to “the placement of a son or daughter with the employee for adoption or foster care”. In addition, FEA has an MOU (see attached) with DoDEA signed in 1997 that states that “One or both adoptive parents may be granted LWOP or Educator Leave (your accrued sick leave), not limited to APL, in order to accomplish the official actions necessary to adopt a child and for acclimation of the adopted child in its new home.” With these changes, a member who is welcoming a new child into the home, whether natural born or through adoption, is able to utilize up to 12 weeks of leave, and can choose to mix as many educator leave days as they have banked with LWOP if they desire. If you have any questions/problems with this issue, please feel free to contact me!

HCR TRAINING THIS YEAR? Budget cuts have hit everywhere, including the NEA’s travel and training budgets. Their ability to provide funding for trainings has been limited in comparison to previous years. I am working closely with our FEA HCR Coordinator Mimi Cuadrado to utilize available funds in the best way possible and bring training opportunities to our European FEA members. Hopefully we will be successful – so be on the look-out for information coming to you soon!

BLACK HISTORY MONTH RESOURCES As you are planning how you are going to incorporate February's Black History Month into your classroom, take a peek at these sites:

- The Smithsonian has a site of teaching resources: http://www.smithsonianeducation.org/educators/resource_library/african_american_resources.html
- The National Archives also has a great list of activities utilizing primary documents: <http://www.africanamericanhistorymonth.gov/teachers.html>

EEO SPOTLIGHT OF THE MONTH – AGE DISCRIMINATION In our next installment this year providing spotlights on protected statuses, let's look at **AGE DISCRIMINATION** this month.

According to <http://www.eeoc.gov/> "Age discrimination involves treating someone (an applicant or employee) less favorably because of his age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. **It does not protect workers under the age of 40**, although some states do have laws that protect younger workers from age discrimination. It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. **The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.**

"It is also unlawful to harass a person because of his or her age. Harassment can include, for example, offensive remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer. **An employment policy or practice that applies to everyone, regardless of age, can be illegal if it has a negative impact on applicants or employees age 40 or older and is not based on a reasonable factor other than age.**

"Example of Age Discrimination: Sherlina recently became manager of a software development company. She believes that she can boost sales and productivity by hiring a younger, more tech-savvy marketing representative, despite the fact that Antonio, the company's current marketing rep, has done superb work. Antonio recently completed a highly successful ad blitz that generated much industry-wide buzz and attracted numerous new clients. Sherlina fires Antonio, who is 62 and close to retirement age anyway, she reasons, and replaces him with Cheyenne, a 35-year-old marketing whiz. Sherlina discriminated against Antonio by firing him because of his age."

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