

Creating A “Maternity Projection Chart” Probably Isn’t A Good Idea

November 25, 2013 | [Employee Health Issues, Pregnancy, Labor And Employment](#)



**Hannesson
Murphy**
Partner

Thumbs down

Does your company have a “maternity projection chart?” Well, the defendant in *Stotler v. Institute for Integrative Nutrition, et. al.*, Case No. 13-civ-1275 (S.D. N.Y. Nov. 18, 2013) created one to keep track of its female employees’ potential for having children. The chart included information on the women’s ages, marital status and maternity status, with the last category rating each employee on whether they were “likely” or “fairly likely” to have children.

The defendant was a health coaching and nutritional educational school and most of its workforce was comprised of women. In the lawsuit, one employee alleged that when she returned to work from maternity leave, she was demoted two levels and told that she would have to “prove” herself in her new position. She thereafter filed a putative class action lawsuit along with some other employees who made similar allegations. Shortly afterwards, the women were terminated.

The lawsuit raised FMLA interference and retaliation claims. The plaintiffs contended that the defendant viewed pregnant women as a problem – which they believed was evidenced by the maternity projection chart, and various statements made by a company executive that “[w]omen’s priorities shift when they become mothers,” that he had “never met a new mom that didn’t underestimate the sleep, time, exhaustion from a new baby,” and that he needed to protect himself because the women’s performance would decline after their pregnancies. Based on these factors, the court denied the defendant’s motion to dismiss the putative class action.

The case stands as a useful reminder of the importance of ensuring that management and supervisors are properly educated on the FMLA (as well as pregnancy discrimination laws), including how to handle requests for leave and returns from leave. As for the “maternity projection chart,” this probably should be chunked into the bin labeled “bad ideas.” Nothing good is likely to come from such a document, and creating it would just give a future plaintiff a piece of evidence to use in support of a claim against their employer.

RELATED PRACTICE AREAS

Affirmative Action/OFCCP Compliance
Disability, Leave and Medical Issues
Labor and Employment
Workers' Compensation

RELATED TOPICS

Family and Medical Leave Act (FMLA)
maternity leave