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Baby on Way, Worker Gets Her Job Back

There's good news for Angelica Valencia, the 39-year-old pregnant woman who was pushed out of her job in August when her doctor said she shouldn't work overtime: Her bosses are offering her job back.

Ms. Valencia, who has been out of work for nearly three months, can return “immediately without loss of seniority and without fear of retaliation,” Jeffrey D. Pollack, a lawyer who represents the Fierman Produce Exchange, wrote in a letter to Ms. Valencia's lawyers.

Ms. Valencia, who earned \$8.70 an hour as a potato packer for Fierman in the Bronx, was told by her supervisors in August that she could not continue working unless her doctor gave her a full-duty medical clearance. (Ms. Valencia, who had a miscarriage last year, was told by her doctor that she should work only eight hours a day, no overtime.)

Lawyers for Ms. Valencia said the company had violated New York City's Pregnant Workers Fairness Act, which requires employers to make reasonable accommodations for pregnant workers. Her story was the subject of a *Working Life* column on Monday.

Mr. Pollack said Fierman was not admitting that it had violated any laws or fired Ms. Valencia. He said the company considered the health and safety of its employees "to be of utmost importance."

"We believe that this situation resulted from an unfortunate misunderstanding and Fierman intends to comply with all applicable legal requirements," said Mr. Pollack, who provided a copy of the letter to *The New York Times* on Monday.

Leo Servedio, a union representative for the Teamsters Local 202, which represents Fierman workers, said he had spoken to Ms. Valencia's doctor in July and was told that her pregnancy was not high risk.

He said she returned to work with a note from her doctor that said she could work full duty and he shared that information with the company. She said her colleagues agreed to handle the heavy machinery and lifting.

Ms. Valencia said she felt so ill after working two days of overtime that she went to the hospital and to see her doctor about a week later. The doctor wrote a letter deeming her to be a high-risk pregnancy and telling her not to work overtime, which she gave to her bosses. "That's peculiar," said Mr. Servedio, who added that she never gave him the note.

Dina Bakst, co-president of *A Better Balance*, the legal advocacy group that is seeking back pay for Ms. Valencia, said it wasn't peculiar at all, noting that it's not unusual for complications to arise during a

pregnancy.

Don Hoffman, a spokesman for the Fierman company, said: “We are now doing everything we can to right this wrong. The issue of back pay is part of our ongoing discussions.”

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