

NYS Trooper Sues Agency Over Failure to Protect Pregnancy Rights

NEW YORK, NEW YORK, UNITED STATES, September 22, 2022

[/EINPresswire.com/](https://www.einpresswire.com/) -- New York Civil Rights Lawyer Eric Sanders, Esq., of The Sanders Firm, P.C., announces the filing of a federal class action lawsuit by New York State Trooper Schashuna D. Whyte claiming that the New York State Police disregards the legal rights of pregnant and nursing mothers

According to the lawsuit, Trooper Whyte, assigned to Troop - NYC claims that since August 15, 2007, the New York State Police and their agents have engaged in a pattern, practice and policy of failing and refusing to provide nursing mothers with reasonable break times and a proper location to express milk.



NYS Trooper Schashuna D. Whyte

While assigned to the police academy, Whyte claims that it was evident that the New York State Police and its culture does not respect its female employees. Whyte also learned that the New York State Police does not provide maternity leave, according to the lawsuit.

Whyte claims that she was pregnant twice while employed with the New York State Police but, never accommodated, according to the lawsuit. According to the lawsuit, the New York State Police as an employer is required but, is not in compliance with the Affordable Care Act or New York State Labor Law Section 206-c.

Whyte claims after returning from maternity leave and resuming her patrol duties, from February 2019 through July 2019, Former Acting Superintendent Keith M. Corlett and Former Commander Paul E. Hogan, Troop - NYC failed to provide her with a private lactation space; therefore, she expressed milk in the police vehicle, other government or private bathrooms which were uncomfortable, unsanitary and unsafe or not at all.

Recently, Superintendent Kevin P. Bruen and Commander Douglas A. Larkin, Troop – NYC intentionally denied her request for modified assignment to Troop – L a mere 10 minutes from her home and OB/GYN which would have been consistent with managing her high-risk pregnancy, instead transferred her to Troop – NYC to handle communications a 3–4-hour daily commute from her home and OB/GYN which was inconsistent with managing her high-risk pregnancy.

Whyte claims when inquiring about maternity leave, a representative within the Human Resources – Leave Department told her that she does not qualify for the Family and Medical Leave Act (FMLA) because she requested military leave to attend the United States Army Officer Candidate School for 2 months in 2019 and 3 months for the Basic Officer Leadership Course in 2020.

Whyte received her commission and holds the rank of second lieutenant, assigned to the New York State National Guard.

Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Whyte claims that the State of New York and the New York State Police are required to grant her up to 5 years of unpaid leave for active military duty, entitles her to receive 12 weeks of leave for a qualifying exigency and up to 26 weeks of military caregiver leave.

According to the lawsuit, Whyte claims that she qualified for FMLA under both the 12-month and 1,250-hour requirements and that the State of New York and New York State Police violated her rights FMLA under USERRA.

“It’s shameful that Governor Cuomo, New York State Police managers and Attorney General James disregard legislative mandates protecting the legal rights of pregnant and nursing mothers in the workplace. With this and similar legal actions we intend to hold employers accountable for failing to follow the law,” said lawyer Eric Sanders.

Schashuna D. Whyte v. New York State Police, et al., Docket No.: 22 cv 5633, was filed on September 21, 2022, in the United States District Court for the Eastern District of New York.

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