

# Pregnancy Disability Leave FAQs

(as of September 2018)

First, congratulations on beginning this exciting phase in your life! The next several months will bring many changes, some of which may impact your work. In order to prepare for the work-related changes ahead and ensure a smooth transition to maternity or parental leave, it is important that you educate yourself regarding your rights and responsibilities.

Leave Type	Eligibility Criteria	Entitlement
<b>Pregnancy Disability Leave (PDL)</b>	Current City of Petaluma employee and unable to work due to pregnancy or childbirth.	Up to 4 months, if medically necessary. For non-complicated pregnancy and childbirth, the standard period of pregnancy disability runs from 2 weeks prior to due date until 6 weeks following the birth (8 weeks if the birth is Cesarean)
<b>Family Medical Leave Act (FMLA)</b>	12+ month prior employment at the City of Petaluma and 1250 productive hours worked in year prior to leave. (Productive hours refers to actual hours worked and does not include sick, vacation, holidays, etc.)	FMLA provides up to 12 weeks (480 hours) protected leave per calendar year for the employee’s own serious health condition (including periods of pregnancy disability). Leave may be taken in continuous or intermittent increments. FMLA entitlements will run concurrently with coverage under PDL and CFRA.
<b>CA Family Rights Act (CFRA)</b>	Employees who meet FMLA eligibility criteria will also qualify under CFRA.	If the birth parent is eligible for FMLA at the initiation of the pregnancy leave, they may elect to use up to 12 weeks protected leave under CFRA for baby bonding following conclusion of the pregnancy disability period. Bonding leave may be used at any time during the first year following the birth/adoption. However, if the mother returns to work and decides to take bonding leave later, she may need to re-satisfy the eligibility requirements for FMLA to qualify for CFRA covered leave for bonding. Bonding leave may be taken continuously or in increments of 2 weeks or more.

## Eligibility

Under the California Family Rights Act (CFRA) and the federal Family Medical Leave Act (FMLA), if you have more than 12 months of service with the City of Petaluma and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to a family care or medical leave (“FMLA/CFRA leave”). FMLA/CFRA leave may be taken for maternity or parental bonding leave related to the birth, adoption, or foster care placement of your child, or for your own

serious health condition, or for the serious health condition of your child, parent, spouse, or domestic partner.

### **Protection**

Both the FMLA and CFRA contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to some exceptions. They also protect you from discrimination against you for exercising your right to such leave. To secure protection for this leave, you must comply with the notice, certification, and other requirements of the City of Petaluma's "Family and Medical Leave Policy".

### **Duration**

FMLA/CFRA leave may be up to 12 workweeks in a 12-month period. Even if you are not eligible for FMLA/CFRA leave, if disabled by pregnancy, childbirth, or related medical conditions, you are entitled to take a Pregnancy Disability Leave of up to four months, depending on your period(s) of actual disability. Pregnant women who are CFRA-eligible have certain rights to take up to 4 months of Pregnancy Disability Leave PLUS up to 12 additional weeks of CFRA leave for parental bonding.

### **Intermittent Leave**

When medically necessary, leave may be taken on an intermittent or a reduced work schedule. If you are taking a parental bonding leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

### **Notice**

If possible, you must provide at least 30 days' notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). Discuss with your supervisor and submit a "Request for Leave Form". Contact Human Resources to complete a "Family, Medical or Pregnancy Leave Form". Both of these forms are available on the City of Petaluma's website: Human Resources > Forms. During your pregnancy, if you have any changes in your medical condition, due date, etc. update both your supervisor and Human Resources.

### **Certification**

The City of Petaluma requires a written certification from your health care provider before authorizing a protected leave for pregnancy or your own serious health condition.

### **Pay and Benefits**

The City of Petaluma does not provide paid leave. You may be required to use sick, vacation or other accrued time, consistent with policies for use of such time, before taking the remainder of your FMLA/CFRA leave as an unpaid leave.

The City of Petaluma will continue to pay the employer contribution to your health benefits while you are on FMLA/CFRA. The employee contribution towards your health benefits will be taken out of your accrued leaves paycheck. If you exhaust your accrued leaves, you will be put on Leave Without Pay (LWOP) status. If you decide to continue your benefits, you will be directly billed by the City of Petaluma for your employee portion. Dental, Vision, EAP, Long Term Disability and Life Insurance will all be continued while on FMLA/CFRA and paid for by the City of Petaluma.

Employees who are (1) ineligible for FMLA/CFRA leave or (2) remain absent following the exhaustion of their FMLA/CFRA/PDL leave entitlement, and in an unpaid leave status, will be responsible for maintaining their group health, dental, vision insurance coverages.

### **State Disability Insurance (SDI)**

The City of Petaluma does not pay into the SDI system; therefore you are not able to apply for SDI.

### **Process for Returning to Work**

Contact your supervisor to let them know of your expected date of return. You will need to provide Human Resources with a Return to Work note from your doctor. If your doctor has you on restricted duty you will need to discuss this with your supervisor and Human Resources before returning to work.

### **Breastfeeding**

State law requires employers provide a reasonable amount of break time and to make a reasonable effort to provide a private space, other than a toilet stall, close to the employee's work area, to accommodate an employee desiring to express breastmilk for her baby. You may work with your supervisor or contact Human Resources for help with securing a private space.

### **Enrolling Your Child as a Dependent in Benefit Plans**

You have 30 days after the birth to add your child to your benefits. For adopted children, the 30-day period starts the day you take physical custody of the child or the day you have the legal right to control the child's health care, whichever is later. Coverage for the child will start on his or her date of birth or adoption. Contact Human Resources for benefit information and forms.

### **You will need a copy of your child's Birth Certificate and Social Security Card to add them to your benefits.**

You may also want to update your CalPERS, Life Insurance, Deferred Comp (457) Beneficiary forms or enroll in the Health and/or Dependent Care Flexible Spending Accounts.

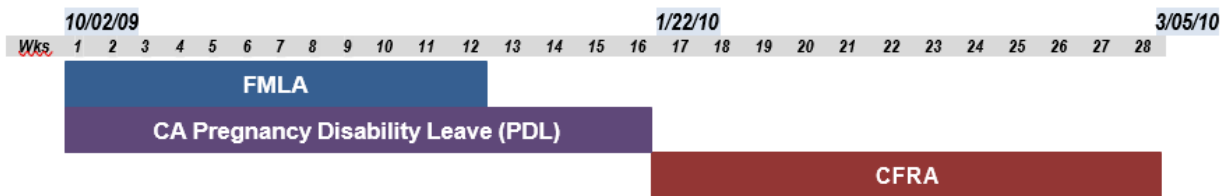
***Contract Ruth Dunn in Human Resources for forms or additional information:  
(707) 776-3771 / rdunn@ci.petaluma.ca.us***

# Coordination of Overlapping Leaves of Absences

## Comparisons and Illustrations

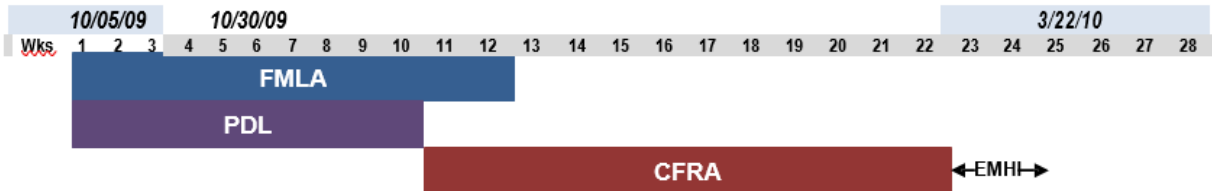
Below are two examples of how leaves of absence run concurrently (at the same time) and/or overlap with federal and state family and medical leave provisions.

**Example 1:** Jenny becomes disabled and unable to work due to her pregnancy on 10/02/09. Jenny's baby was born on 1/22/10. Jenny returns to work on 3/5/10. Note: Jenny's group health insurance coverage was maintained during her leave.



*Note: Employees can take up to seven (7) months of leave when combining PDL (4 months) immediately followed by CFRA (child bonding) leave.*

**Example 2:** Paula became disabled due to her pregnancy on 10/05/09. Paula's baby was born on 10/30/09 and she returned to work on 3/22/10. Note: Paula was responsible for maintaining her group health insurance during the period she was no longer eligible for FMLA/CFRA leave and had exhausted her accrued leave balances.



*Note: Employees who are (1) ineligible for FMLA/CFRA leave or (2) remain absent following the exhaustion of their FMLA/CFRA/PDL leave entitlement, and in an unpaid leave status, will be responsible for maintaining their group health, dental, vision insurance coverages.*

**Contract Ruth Dunn in Human Resources for additional information:  
(707) 776-3771 / rdunn@ci.petaluma.ca.us**