



## Pregnancy Disability Leave Policy

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### Amount of Leave

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours the employee would normally work within four calendar months (one-third of a year or 17 1/3 weeks). (Gov. Code § 12945(a).) For a full-time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. (2 Cal. Code Regs § 11042(a)(1).) An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave. (2 Cal. Code Regs § 11042(a)(2).)

### Notice & Certification Requirements:

1. **Notice:** Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. (2 Cal. Code Regs § 11042(c)(1).) All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Director of Human Resources. (2 Cal. Code Regs § 11042(a).)
2. **Certification:** The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: 1) the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave. (2 Cal. Code Regs §§ 11050(b)(7); 11050(e).)

### Compensation During Leave:

Pregnancy disability leave is an unpaid leave. However, if the employee chooses to supplement with accrued paid leave, then the employee must first use sick leave. (2 Cal. Code Regs § 11044(b)(1).) Once an employee has reduced their sick leave balance to 40 hours or less and is eligible, as defined in the City’s Paid Parental Leave Policy, the employee may use Paid Parental Leave (PPL) as defined in the Paid Parental Leave Policy. Once PPL is depleted, the employee may elect to use other accrued leave. (2 Cal. Code Regs § 11044(b)(2))

### Benefits During Leave:

1. **Group Health Insurance:** An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before the leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. (Gov. Code § 12945(a)(2)(A); 2 Cal. Code Regs § 11044(c).) The City may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond the

employee's control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act. (Gov. Code § 12945(a)(2)(A); 2 Cal. Code Regs § 11044(c)(3).)

2. Sick and Vacation Leaves: Sick and vacation leaves **do not** accrue while an employee is on unpaid pregnancy disability leave. (See 2 Cal. Code Regs § 11044(d)(1).
3. Employee Status during Leave: The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions. (2 Cal. Code Regs § 11044(e).)

### **Reinstatement**

Upon the expiration of pregnancy disability leave, the employee will be reinstated to the employee's original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave. (2 Cal. Code Regs § 11043(c).)

If the employee's original position is no longer available, the employee will be assigned to a comparable, open position. (2 Cal. Code Regs § 11043(c)(2).)

If upon return from leave an employee is unable to perform the essential functions of the employee's job because of a physical or mental disability, the City will initiate an interactive process with the employee to identify a potential reasonable accommodation in accordance with City Policies.

*If this policy conflicts with current statutory or case law, the law prevails.*