

## SDCRAA HUMAN RESOURCES STANDARDS AND PROCEDURES

Section: **Attendance and Leaves of Absence**  
Standard: **PREGNANCY DISABILITY LEAVE & BREASTFEEDING**  
Section #: B-6  
Effective: June 3, 2008

See Also: Family and Medical Leave; Leave without Pay; Paid Time Off; Disability Leave; Timekeeping

### ***GENERAL STANDARD***

Consistent with California law, the Authority provides an unpaid leave of absence, for a maximum of four (4) months, to employees for disability caused by an employee's pregnancy, childbirth, or related medical condition. Also, the Authority provides adequate break time and appropriate facilities for employees to breastfeed or express milk while at work.

### ***SPECIFIC STANDARDS***

#### **PREGNANCY DISABILITY LEAVE**

##### **Eligibility**

- Full-time and part-time female employees are eligible for California Pregnancy Disability Leave effective their first day of employment.
- Such leave may be taken for the purpose of:
  - I. When a woman is disabled by pregnancy, childbirth, or related medical conditions at any time during or after pregnancy;
  - II. When a woman is suffering from morning sickness;
  - III. For prenatal care.

Note: California Pregnancy Disability Leave is not intended for “baby bonding time.” Once a woman no longer is disabled, she no longer is eligible for California Pregnancy Disability Leave. She may, however, be eligible for additional Family and Medical Leave. Refer to the ***Family and Medical Leave*** Standard for more information and consult with a member of the Human Resources Department.

### **Employee’s Responsibilities**

The employee shall:

- ❑ Provide the Authority with at least 30-days’ advance notice, or as much notice as practicable, before a leave begins.
- ❑ The employee must provide a certificate from the employee’s health care provider within 15 days of the employee’s request for the leave.
- ❑ The employee shall consult with her manager and the Human Resources representative regarding the scheduling of any planned medical treatment to minimize disruption to the operations of the Authority. Any such scheduling is subject to the approval of the employee’s health care provider.
- ❑ The employee shall maintain contact with her manager and the Human Resources representative during the duration of the leave of absence, as outlined in the “Maintaining Contact with the Employee” section of this Standard.

### **Leave Duration and Type**

- ❑ California Pregnancy Disability Leave may be granted for up to four (4) months (or 88 equivalent workdays for a full-time employee) per pregnancy.
- ❑ Part-time employees are entitled to leave on a pro-rata basis.
- ❑ It may not be necessary for the leave to span one continuous period. An employee may take pregnancy disability leave intermittently, as needed, in hour or partial hour increments.

### **Accommodating Transfers**

- ❑ If requested by the employee and recommended by the employee's health care provider, the employee's work assignment may be changed, as required, to protect the health and safety of the employee and her child.
- ❑ Requests for transfers will be reasonably accommodated so long as the job and seniority rights of others are not breached.
- ❑ Temporary transfers due to health considerations may be considered.

### **Vacancies and Reinstatement**

- ❑ At the conclusion of an employee's pregnancy disability leave, the employee ordinarily will be returned to her former position or to an equivalent position.
- ❑ A position that is vacant due to an employee's pregnancy disability leave ordinarily may be filled on a temporary basis by one or more existing employees or by a limited term or temporary employee. Under some circumstances the position may be filled by a regular employee where the position vacancy would undermine substantially the Authority's ability to operate its business safely and efficiently. In this situation, the Director, Human Resources (or designee) and the relevant Vice President (or designee) must approve any decision to fill the vacancy in this manner.
- ❑ If a vacancy is filled in the aforementioned manner, an increase in staff may be necessary if the employee who created the vacancy returns to work before the planned ending date of her leave.
- ❑ Managers should contact a Human Resources representative to discuss how to meet workload requirements most effectively during an employee's pregnancy disability leave.

- ❑ The Authority may make a determination to deny reinstatement of an employee under certain circumstances and in accordance with law. An employee who has been on leave has no greater right to reinstatement than if the employee were continuously employed rather than on leave.

### **Documentation Requirements**

- ❑ Documentation regarding a request for pregnancy disability leave must be provided to the Authority within fifteen (15) days of the employee's request for leave, unless it is not possible for the employee to do so. However, an employee may not be required to provide such documentation for intermittent and recurring absences for pregnancy related reasons such as morning sickness.

The documentation must include:

1. The date on which the employee became disabled due to pregnancy;
2. The probable duration of the period or periods of disability; and
3. A statement that, due to the disability, the employee is unable to perform one or more of the *essential functions* of her position without undue risk to herself, the successful completion of her pregnancy or the unborn child.

Note: The Authority will require re-certification from the health care provider if additional leave is requested/required.

### **Group Health Coverage**

While an employee is on California Pregnancy Disability Leave concurrent with Family and Medical Leave, the employee's group health coverage will continue in the same manner as if the employee were actively at work. Specifically:

- The same levels and conditions of coverage under the Authority's group health plan will continue;

- The Authority will continue to make the same contributions toward the cost of coverage as if the employee were actively at work;
- The employee will continue to make the same required contributions toward costs of coverage, as if she were actively at work, either through payroll deduction or by direct payment to the Authority.

**Other Insurance Benefits**

While an employee is on California Pregnancy Disability Leave, the employee’s other benefits will continue as follows:

<p><b>Deferred Compensation Plan(s):</b></p>	<p>The employee may continue to participate in the Authority’s Deferred Compensation plan(s) while on an approved pregnancy disability leave, in accordance with the terms of the plan. To do so, the employee must continue to make contributions in accordance with the terms of the plan.</p>
<p><b>Other Insurance:</b></p>	<p>The employee may continue, in accordance with the terms of the plan, to participate in life insurance, disability plans and AD&amp;D, provided the employee remits to the Director, Human Resources, any and all required group rate premiums during the course of her leave. Employees participating in the Flexible Spending Account benefit are eligible for certain election options under specifically defined circumstances when going on and/or returning from PDL.</p>

***GUIDELINES***

**Use of Time-Off Benefits**

Employees are required to use all available PTO as described below prior to utilizing unpaid leave while on an approved California Pregnancy Disability Leave of absence. Additional benefits such as short-term disability may also be utilized under the terms of the plans, provided the employee was enrolled prior to beginning the leave.

Leave will be used in the following order:

- PTO, followed by
- Unpaid leave.

### **Leave Scheduling**

The Human Resources Department staff will work collaboratively with the manager and the employee to accommodate the employee's preference for a part-time or intermittent, recurring leave schedule. If the current job assignment cannot accommodate the employee, the Authority may require the employee to transfer to an available, alternative, and/or equivalent position that more appropriately accommodates her situation, the need for recurring or intermittent leave, and the Authority's operational needs.

A manager should consult with a Human Resources representative for assistance in planning for the temporary completion of the employee's work during the leave period.

(See *Personnel Actions* Standard.)

### **Employee Confidentiality**

Detailed questions regarding the employee's medical condition and prognosis cannot be asked. The employee is guaranteed a right to confidentiality regarding such information.

### **Disability**

Refer the employee to a Human Resources representative for information on benefits available to the employee under the Authority's disability benefits plans. For further information, see the applicable summary plan description.

If the employee has coverage under the Authority's disability plans, the Human Resources staff will provide guidance to the employee.

## **Maintaining Contact with the Employee**

During an employee's leave, a member of the Human Resources staff will maintain periodic contact with the employee to check on the employee's status and determine any changes to the employee's plan to return to work. The Human Resources representative will communicate with the manager, as appropriate. Communication with the Human Resources representative does not preclude the employee from communicating with the manager, particularly in the interest of planning.

## ***PROCEDURES***

### **Handling Leave Requests**

Employees shall submit a leave request for a California Pregnancy Disability Leave on the Authority's Personnel Action Form (PAF) to the Human Resources representative. The request should be submitted through the manager to the Human Resources representative as far in advance as feasible.

Managers must notify a Human Resources representative *immediately* of any employee's request for a leave of absence, even if the employee's request or notification is not in writing.

### **Placing an Employee on Pregnancy Disability Leave**

To document the placement of the employee on a California Pregnancy Disability Leave:

1. The "Change of Employee Status" section of the Personnel Action Form shall be completed and signed by the manager and the employee.
2. The "Comments" section shall note the leave's expected duration and any special scheduling arrangements.
3. The completed PAF shall be sent to the Human Resources representative who handles the action and coordinates with all

involved parties, including medical certification requirements and payroll.

### **Completing the Time Sheet**

The manager shall ensure that time sheets accurately reflect the employee's time off.

- "Pregnancy Disability Leave" shall be recorded for all time taken, even if disability benefits and/or PTO are being used.
- Any PTO being used shall be recorded.
- "Unpaid leave" for full days, partial days or increments of hours being taken without pay shall be recorded.

Generally, paychecks (if applicable) are processed and are mailed to the employee's home address on the normal payroll cycle.

### **Not Returning from Leave**

If the end of the four-month leave period has been reached and the employee is unable to return to work for continuing health reasons, the Authority will make a good faith effort to accommodate the employee's medical condition to the extent required by law.

The following applies under such circumstances:

- A representative of the Human Resources Department, in consultation with the manager, the employee and the employee's health care provider, will determine whether an accommodation can be made as provided for by law and in other applicable Standards and Guidelines.
- "Reasonable accommodation" may include approval of an extended sick leave where doing so would not impose an undue hardship to Authority operations. Provided the employee is not eligible and/or does not request additional Family and Medical

Leave and/or is not entitled to and/or cannot be reasonably accommodated, the employee may be terminated from employment on the fourth calendar day following the end of the approved four-month leave of absence.

If the end of the approved leave period has been reached prior to the end of the possible four-month allotment permitted by law, and the employee has neither returned to work nor provided certification from the appropriate health care provider extending her leave of absence, the employee may be terminated from employment on the fourth calendar day following the end of the approved leave.

When the employee's employment is being terminated:

- The manager shall complete the "Change of Employee Status" section of the Personnel Action Form in consultation with the Human Resources representative who will advise the manager on all aspects of the process which must be followed.
- The Human Resources representative will provide the employee with all appropriate separation information, including COBRA and disability benefit information.

Note: The Authority reserves the right, at its sole discretion, to extend a leave due to an employee's pregnancy disability beyond the four (4) months required by law.

(See ***Leave Without Pay*** Standard.) Consultation with a Human Resources representative is required in this situation.

### **Resignations While On Leave**

If the employee resigns prior to returning from leave for reasons *other than* continuation, occurrence or onset of a serious health condition, the employee may be required to repay the Authority for the costs of group health coverage the Authority paid on the employee's behalf.

### **Returning From Leave**

When the employee returns from pregnancy disability leave the following apply:

- The employee must provide a medical release to return to work prior to beginning any activity in the work area.
- The employee must report to a member of the Human Resources Department and present the required medical release before reporting to her worksite.
- The Human Resources Department staff will notify the manager of any work restrictions and assist in determining how to accommodate the employee with work restrictions if appropriate and possible.
- If the employee's position has not been filled, the employee shall be assigned to the position held prior to the leave, without loss of seniority or eligibility for benefits.
- If the employee's position has been filled and an equivalent position for the employee does not exist in the applicable department or division, another position may be created for the employee (see *Personnel Actions*) while the Human Resources Department pursues other placement options for the employee in the Authority.
- When the employee returns to work, the manager shall complete the "Change of Employee Status" section of the Personnel Action Form, noting the employee's return, and send it to the Human Resources representative.

## **BREASTFEEDING**

- The Authority supports and encourages the practice of breastfeeding by striving to accommodate the needs of employees, and by ensuring that employees are provided with adequate facilities for breastfeeding, or the expressing of milk for their child(ren).
- The Authority will provide a reasonable amount of break time and a private space, other than a toilet stall, close to the employee's work area, to

accommodate an employee desiring to express breast milk for her baby.

- The break time will be unpaid if the break does not run concurrently with the rest period authorized for the employee.
- The Authority is not required to provide break time for pumping if taking break time beyond the usual time allotted for breaks would seriously disrupt Authority operations.