



CITY OF LINDSAY EMPLOYEE GUIDE TO PREGNANCY LEAVE

Before Your Child Arrives What You Need to Know:

City of Lindsay Rules & Regulations:

Section 11.19 Pregnancy Disability Leave

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months.

Section 11.19.1 Notice & Certification Requirements

1. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or department director before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.
2. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the department director prior to being taken. Requests for an extension of leave must be submitted in writing to the department director prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four months.

Section 11.19.2 Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

Section 11.19.3 Benefits During Leave

1. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off-duty, if: 1) the employee is eligible for concurrent family medical leave; and 2) the employee has not already exhausted this 12-week group health insurance coverage benefit in the current family medical leave eligibility period. The City may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.
2. An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the City.
3. Sick and Vacation Leave Accrual: Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.



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Section 11.19.4 Reinstatement

1. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
2. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

Paid leave

You may be able to use sick leave, vacation days and/or compensatory time off as part of your leave. If so, you would receive your usual pay and benefits for this portion of your time off. Pregnancy disability is defined as the period that a woman is unable to work due to pregnancy and childbirth. (If you're adopting, you're not eligible for pregnancy disability benefits.) Generally, disability benefits begin up to 2 weeks before your expected delivery date and continue for six weeks after the birth of your child (eight weeks if you have a caesarian section. If your delivery is late, the disability plans allow for a longer Pre-partum period. (Your doctor will need to verify your delivery date.) If it's medically necessary for you to take more time away from work — for instance, if your doctor puts you on bed rest for the last several weeks of your pregnancy — the disability plans may provide a longer period of disability income.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

California Pregnancy Disability Leave (PDL)

Under this provision of California law, you may take four months of medically necessary pregnancy disability leave. If you're eligible for Family and Medical Leave, this leave runs concurrently with it. Under PDL, as with FML.

California Family Rights Act (CFRA) Leave

You may be eligible for an additional 12 weeks of family and medical leave (after FML and PDL) for reasons not related to pregnancy disability. Both fathers and mothers can take this type of leave for bonding with a new child. The eligibility requirements are very similar to those for Family and Medical Leave. For the specifics, that employer may limit leave for the birth, adoption, or foster-care placement of their child to 12 workweeks in a 12-month period between the two parents. No other limitations restrict these parents from taking a CFRA leave for other qualifying reasons.



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An employee must give advance notice if he/she wants to take a FMLA/CFRA leave

An employee shall provide at least verbal notice sufficient to make the employer aware the employee needs FMLA/CFRA qualifying leave. The notice shall state the reason for the leave and its anticipated timing and duration. The City will need a 30 day advance notice before FMLA/CFRA leave is to begin if the need for the leave is foreseeable. If 30 days is not feasible (e.g., not knowing when leave will be required to begin, a change in circumstances, or a medical emergency), notice must be given as soon as feasible. Under all circumstances, it is the employer's responsibility to designate leave, paid or unpaid, as FMLA/CFRA leave. In addition, the employer shall respond to a leave request as soon as possible but no later than ten calendar days after receiving the request.

The combined total of workweeks of FMLA leave to which husband and wife employed by the same employer and eligible for FMLA leave are entitled to is limited to 12 workweeks during any 12-month period for the following reasons:

For the birth and care of the newborn child; For placement of a son or daughter for adoption or foster care, or to care for the employee's child after placement; and To care for a parent (but not a parent "in-law") with a serious health condition. The combined 12 workweeks of FMLA leave limitation for married couples for the above mentioned reasons does not apply to leave taken for the following reasons: To care for the employee's spouse, son or daughter, who has a serious health condition; For serious health condition that makes the employee unable to perform the employee's job. If FMLA leave was taken for these reasons, each spouse would be entitled to a full 12 workweeks of FMLA leave in any 12 months.

As an example of how this limitation may work, during a 12-month designated period, the married couple took 12 weeks combined (mother took 10 weeks, father took 2 weeks) for the birth and care of the newborn child. The mother/wife would have two workweeks of FMLA leave to care for her own serious health condition or that of her or child or spouse. The father/husband would have remaining 10 weeks of leave to care for his own serious health condition or that of his spouse or child. Since this married couple used 12 workweeks of FMLA leave for the birth and care of the newborn child, no additional FMLA leave may be taken to care for the parent with a serious health condition by either spouse in the remaining 12 months.

Continuing Your Benefits What You Need to Do:

Most important:

The City will continue to pay the employer portion of the Health benefits for the employee, for any dependent benefits you choose to continue, contact the Payroll Clerk in the Finance Department to arrange to pay your monthly premiums, as needed. You should do this as soon as you know you want to continue your benefits.

Submit Your Claim for Disability Benefits:

Here are the steps to take to get your pregnancy disability benefits started:

- **See your doctor.** To receive benefits, you need to have your physician certify the date your pregnancy disability began.
- **Notify** your supervisor or department head and HR Director.
- **File for SDI** (State Disability Insurance) online. The City will allow integration of sick and/or vacation to supplement the SDI once the SDI amount has been determined. Vacation and sick are considered time worked for the purposes of leave accrual, benefits (such as health coverage), and PERS.

During Your Time Off What You Need to Do:

Update Your Benefits:

Enroll your child

You have 31 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.



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FMLA (12 WEEK) (UNPAID)
BEFORE BABY BIRTH
AT DOCTORS REQUEST
APPLY FOR STATE
DISABILITYINSURANCE

BIRTH
6 WEEKS – REGULAR
8 WEEKS – C-SECTION
SDI CONTINUED
* FMLA CONTINUED

NO LONGER ON DISABILITY * CFRA (12
WEEKS)(UNPAID)
PDL(BONDING)- UP TO 8 WEEKS



FMLA LEAVE RUNS CONCURRENT WITH DISABILITY, ONCE DOCTOR RELEASES MOTHER FROM DISABILITY, CFRA CAN BE USED.

* If both parents are eligible for leave but are employed by the same employer, that employer may limit leave for the birth, adoption, or foster-care placement of their child to 12 workweeks in a 12-month period between the two parents for FMLA.