

AR 4561.4 Leave for Pregnancy, Childbirth, or Related Medical Condition

Employees shall be entitled to an unpaid leave of up to 4 months' duration for disabilities related to pregnancy or childbirth, as provided by the California Fair Employment and Housing Act. (Government Code section 12945.) Pregnancy-disability leave is independent from family care medical leave provided in Administrative Regulation 4561.1. The district will not interfere with, restrain, or deny the exercise of employees' rights to use pregnancy-disability leave.

If the need for pregnancy-disability leave is foreseeable, the employee shall provide the District at least 30 days' advance written notice before the leave is to commence. If 30 days' advance notice is not practicable, notice must be given as soon as practicable. The employee shall provide, with the notice of the need for the leave, medical certification from the employee's health care provider, which shall include:

1. The date on which the employee became, or is expected to become, disabled due to pregnancy,
2. The probable duration of the period or periods of disability, and
3. An explanatory statement that, due to the disability, the employee is unable to work at all or 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 to other persons.

Pregnancy-disability leave ends upon the earlier of: (1) the date the employee ceases to be disabled as a result of pregnancy or childbirth-related conditions; (2) the expiration of four months from the commencement of the pregnancy-disability leave; or (3) the date the employee commences a child-care leave pursuant to the family care and medical leave provisions of state and federal law and Administrative Regulation 4561.1.

If a holiday falls within a week taken as pregnancy-disability leave, the week is nevertheless counted as a week of pregnancy-disability leave. However, school vacations of one or more weeks in duration during which the employee would not be scheduled to work, shall not count as weeks of pregnancy-disability leave for purposes of calculating the four-month leave period.

Any available paid sick leave, including extended illness leave (difference pay) to which the employee is entitled shall be taken concurrently with pregnancy-disability leave. When available sick leave is exhausted, the employee may elect to use accrued paid vacation and/or compensatory time in lieu of unpaid pregnancy-disability leave, in which case unpaid pregnancy leave under this policy shall run concurrently with the paid leave.

An employee who is on leave for a non-disabling pregnancy and who subsequently becomes disabled due to pregnancy prior to the end of the gestation period may apply for pregnancy-disability leave for the period of disability.

When the employee ceases to be disabled due to pregnancy, the employee shall return to work in the same or a comparable position as she held prior to commencement of the pregnancy-disability leave. Upon termination of leave and reinstatement, the employee shall retain the same seniority as at the commencement of the leave. Seniority shall not accrue during unpaid pregnancy-disability leave except to the extent seniority accrues under other, non-pregnancy related unpaid leaves.

The District shall continue to provide the employee's health and welfare benefits during the period of pregnancy-disability leave. The employee must, during the leave, continue to pay the amount of any employee contribution to maintain benefit coverage. However, if the employee fails to return to work following the pregnancy-disability leave and any subsequent child-care leave provided by law, the

AR 4561.4 Leave for Pregnancy, Childbirth, or Related Medical Condition (continued)

employee shall reimburse the District for the cost of the premiums paid during the pregnancy-disability and other statutory leaves.

Probationary classified employees shall not attain permanent status while on paid or unpaid leave. A classified probationary employee who takes leave under this policy will have her probationary period extended upon her return from leave by the same number of weeks as the duration of the leave.

The District provides reasonable accommodation for an employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider. Such accommodation may include the temporary transfer of a pregnant employee to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where such transfer can be reasonably accommodated.

In providing accommodation under this policy, the District will not create additional employment that the District would not otherwise have created, or discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job.

Board Approved:

March 14, 2019

August 19, 2004

Effective Date: August 19, 2004