Kings Community Action Organization  
Administrative Policy  

AP 3135  
Human Resources: Leaves  

Pregnancy Disability Leave  

Purpose:  
KCAO is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. KCAO’s policy is to treat women affected by pregnancy, childbirth or related medical conditions in the same manner as other employees unable to work because of their physical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits.  

Policy  
Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.  

If a female employee takes pregnancy disability leave and is eligible under the federal or state family and medical leave laws, KCAO will maintain group health insurance coverage as long as the employee is on pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work. It is the employee’s responsibility to pay his or her portion of the insurance premiums during such leave. In some instances, the Agency may recover premiums it paid to maintain health coverage if the employee fails to return to work following pregnancy disability leave.  

If the employee is on pregnancy disability leave and is not eligible for continued paid coverage, she may continue the group health insurance coverage through KCAO in conjunction with federal COBRA guidelines by making monthly payments to KCAO’s COBRA administrator for the amount of the relevant premium.  

Procedures  
Any female employee planning to take pregnancy disability leave should advise the Human Resources Department as early as possible. The individual should make an appointment with a Human Resources representative to discuss the following conditions:  

- Employees who need to take pregnancy disability must inform KCAO when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the Human Resources representative regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Company. Any such scheduling is subject to the approval of
the employee’s health care provider;

- If 30 days’ advance notice is not possible, notice must be given as soon as practical;
- Upon the request of an employee and recommendation of the employee’s physician, the employee’s work assignment may be changed if necessary to protect the health and safety of the employee and her child;
- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
- Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
- Pregnancy leave usually begins when ordered by the employee’s physician. The employee must provide KCAO with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - 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 to other persons.
- Return to work following a leave will be allowed only when the employee’s physician sends a release;
- An employee will be allowed to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Duration of the leave will be determined by the advice of the employee’s physician, but employees disabled by pregnancy may take up to four months (88 working days). Part-time employees are entitled to leave on a pro rated basis. The four months of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 1 hour.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

References:

1. Govt. Code sec. 12945 et seq.
2. UI Code sec. 2601
Approved by Board of Directors: August 20, 2011