



## ◆ California Pregnancy Disability Leave (PDL)

### FREQUENTLY ASKED QUESTIONS (FAQS)

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California's Fair Employment and Housing Act contains provisions for Pregnancy Disability Leave (PDL) that provide up to four (4) months of unpaid leave and job protection for employees who are specifically disabled due to pregnancy-related conditions (*e.g., prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition*).

#### **Q1: Who is eligible for Pregnancy Disability Leave?**

**A1:** You are eligible for Pregnancy Disability Leave if you are an employee who is pregnant, regardless of the time you have been employed with the County or the number of hours worked in the past year.

#### **Q2: What would qualify me to take Pregnancy Disability Leave? If I qualify, how much job-protected time am I entitled to?**

**A2:** Pregnancy leave is available when an employee is actually disabled by pregnancy or pregnancy-related conditions. This includes time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any pregnancy-related medical condition. An employee disabled by pregnancy is entitled to up to four months (i.e., 17.33 weeks or 693.2 hours) of disability leave.

#### **Q3: If I qualify, when can I use Pregnancy Disability Leave? Can it be on an intermittent basis?**

**A3:** Leave can be taken before or after birth during any period of time you are physically unable to work because of pregnancy or a pregnancy-related condition. Leaves may be taken on a continuous or intermittent basis, up to a total of 4 months per pregnancy. All leave time taken in connection with a specific pregnancy counts towards computing the four-month period.

#### **Q4: How do I request Pregnancy Disability Leave?**

**A4:** You must complete the *Request for Family/Medical Leave* form. This form can be found on the HR Website/Leave Forms and Information Page at: <https://rc-hr.com/family-medical-leave-and-other-information>. In most cases you will be expected to return the forms within 15 calendar days.

**Q5: Do I need to provide medical certification of my need for Pregnancy Disability Leave?**

**A5:** Yes, medical certification is required from your health care provider for Pregnancy Disability Leave. For this purpose, the County has provided a *Certification of Health Care Provider for Employee's Serious Health Condition* form, available from the HR Website/Leave Forms and Information Page at: <https://rc-hr.com/family-medical-leave-and-other-information>

**Q6: How much time in advance must I request Pregnancy Disability Leave?**

**A6:** You must give 30 days advance notice for foreseeable leaves. If you have an emergency situation or your need for leave is otherwise unforeseeable, you must notify your supervisor and Department Designee as soon as practicable, usually within two business days. You must inform the County of the date you anticipate your pregnancy disability leave will begin and an estimation of the duration of your leave.

**Q7: Who do I need to inform of changes to my Pregnancy Disability Leave?**

**A7:** It is important to communicate with your supervisor and your Department Designee while on leave, especially if your situation or conditions change. You are required to contact your supervisor and Department Designee when there is a change in the circumstances of your leave and for other required information.

**Q8: Can the County count time on PDL as FMLA or CFRA leave?**

**A8:** If you meet the FMLA eligibility requirements, leaves for pregnancy-related or childbirth-related disability would qualify under FMLA leave as a serious health condition and may be counted against the 12 weeks of leave. However, your PDL time cannot be counted against the 12 weeks of CFRA leave. In pregnancy situations, CFRA leave is typically used for child bonding, once the employee is no longer disabled due to pregnancy or childbirth.

**Q9: Does the law provide any protections if there are aspects of my job (e.g., lifting) that I can't perform due to my pregnancy?**

**A9:** Yes, if you are affected by pregnancy or a related medical condition, you are eligible to transfer to a less strenuous or hazardous position/duties, if such transfer is medically advisable. You are also eligible to receive reasonable accommodation for conditions related to pregnancy, childbirth, or related medical conditions, upon the advice of your health care provider. For more information regarding accommodation of your pregnancy-related work restrictions, contact the Human Resources Department Disability Access Office at (951) 955-3510.

**Q10: Will my job still be available when I am released to return to work?**

**A10:** You must be reinstated to the same job with the same pay, benefits, and terms and conditions of employment when returning to work within your PDL entitlement period (4 months). If your leave extends beyond the end of the PDL entitlement period, you do not have return rights under PDL law; however, you may be entitled to protections under other laws if, for example, you take bonding leave under CFRA.

**Q11: While I am on Pregnancy Disability Leave, am I protected against being laid off?**

**A11:** While you are on PDL, you have no greater protection against layoff than you would have if you were at work. In other words, the County may not target employees for layoff because of their use of Pregnancy Disability Leave, but the County is allowed to lay employees off if they would have been laid off had they continued to work during the Pregnancy Disability Leave period.

**Q12: When am I required to return to work? What do I need to do prior to returning to work?**

**A12:** You are required to return to work on the date indicated by your health care provider on your medical certification form, or at the end of your protected leave time, if you have applied for additional leave time for bonding purposes. You may be required to provide your Department Designee with a return-to-work statement from your health care provider, prior to being allowed to return to work.

**Q13: What happens if I choose not to return to work?**

**A13:** The county will recover (reclaim their portion of) premiums paid for your health insurance coverage if your leave has expired and if you fail to return to work for a reason other than you or your immediate family member's serious health condition, or circumstances beyond your control.

**Q14: What if I am unable to return to work once my PDL entitlement has been exhausted?**

**A14:** If you require additional leave time, you may elect to use available CFRA leave if eligible. If you elect not to use available CFRA leave, and you remain in need of additional leave time, you may apply for an Official Leave of Absence as a reasonable accommodation under ADA/FEHA which requires the review of your department and the approval of the County's Human Resources Director. The Leave of Absence form is available on the HR Website/Leave Forms and Information Page at: <https://rc-hr.com/family-medical-leave-and-other-information>. It is important to note that approval of an Official Leave of Absence request is not automatic. Leave requests will be evaluated based on your department's operational needs, workload demands, and ability to accommodate your continued absence. Additionally, if you elect not to use CFRA leave immediately after PDL and you do not return to work immediately after PDL, subsequent CFRA leave applies only if you meet the CFRA eligibility requirements.

**Q14: What do I need to do to request time to bond with my newborn child?**

**A14:** In California, bonding leave is covered by a different leave law (California Family Rights Act) than pregnancy-related disability leave. (If you have not exhausted the full 12 weeks of your FMLA entitlement, a portion of your bonding leave may be protected under FMLA as well.) Thus, you must complete a request for bonding time, using the *Request for Family/Medical Leave* form. Prior to starting bonding time, you may be required to submit a certification from your health care provider, showing that you are no longer disabled by pregnancy or childbirth, to your Department Designee.

## Salary and Benefits

### **Q15: What happens to my medical benefits during my Pregnancy Disability Leave?**

**A15:** While you are on PDL protected leave, the County is required to maintain your coverage under our group health plans through the PDL entitlement period (up to 4 months), under the same conditions as coverage would have been provided if you had been continually employed during the entire protected leave period. If you do not pay your portion of premiums during protected leave, your premiums will be paid for you and will be collected from your pay warrant when you return from leave. If you fail to make timely payment for health care premiums after your PDL ends and you are unable to return to work, your coverage will be terminated for non-payment of premiums and you will be notified. Any premiums paid on your behalf during this period remain your responsibility to pay and will be collected from your pay warrant when you return from leave.

You may choose not to retain group health plan coverage during PDL leave. If you choose to terminate your coverage during leave, when you return from leave you are entitled to be reinstated to the same coverage elections in place prior to taking the leave. It is your responsibility to request the termination of coverage by submitting a completed Benefit Election form within 60 days of beginning your PDL leave and for requesting reinstatement of coverage within 60 days of your return from leave by completing and submitting a new Benefit Election Form.

If you choose to retain your coverage while on leave you must continue to pay your share of premiums. Your share of premiums will be deducted from your pay warrant whenever possible. Whenever your insurance plan costs cannot be deducted from your pay warrant, you must pay your share of premiums directly to the County of Riverside. For questions about paying your premiums while on leave contact the Benefits Information Line at (951) 955-4981.

### **Q16: Am I required to use my sick/vacation/holiday/annual leave accrual time?**

**A16:** In general, you are required to use accrued sick leave and most other accrued leave balances while on leave due to pregnancy or pregnancy-related medical conditions. However, in cases where the employee is receiving disability benefits, the County and the employee may mutually agree to supplement those benefits with any other form of paid time off benefits (e.g. vacation, sick leave, annual leave), as long as permitted by state law. You may give the County permission to utilize these benefits by checking the appropriate box on the *Request for Family/Medical Leave* form. Please refer to the *Use of Accruals for Paid Family and Medical Leave* chart for additional information. This chart can be obtained from the HR Website/Leave Forms and Information Page at: <https://rc-hr.com/family-medical-leave-and-other-information>

### **Q17: How long after the birth of my child do I have to add him/her to my medical benefit plan? What documentation is required to add my baby?**

**A17:** The birth of a child is a “qualified change of status” as defined by the Internal Revenue Service. You will have 60 days after the birth of your child to add the baby to your medical benefits. You will be required to provide a birth certificate to document the birth of your child when adding the child to your plan.

**Q18: Where do I go if I have additional questions?**

**A18:** If you have additional questions, please visit the HR Website/Leave Forms and Information Page at: <https://rc-hr.com/family-medical-leave-and-other-information>, or contact your Department Designee or the Human Resources Department Disability Access Office at (951) 955-3510.