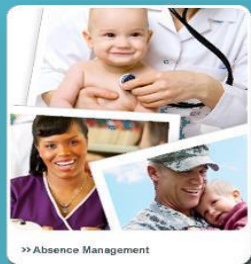


What Administrators Need to Know: Pregnancy Disability Leave (PDL)

Integrated Disability Management (IDM) Programs

Division of Risk Management & Insurance Services



>> Absence Management



>> Reasonable Accommodation



>> Stay at Work



>> Workers' Compensation



Understanding Pregnancy Disability Leave

This training presentation contains information to assist you with understanding:

- California Pregnancy Disability Leave (PDL) Purpose
- PDL Eligibility & Entitlement
- PDL Definitions and Examples
- Employee Rights and Responsibilities
- Employer Responsibilities
- Compensation
- PDL Checklist

Pregnancy Disability Leave (PDL) Purpose

California Pregnancy Disability Leave Act (PDL):

- *PDL is a California state law enacted in the 1980's and is designed to allow eligible employees to balance their work and family life by taking reasonable, job-protected leave for disabilities relating to pregnancy, childbirth, or related medical conditions.*
- *Pregnancy Disability Leave (PDL) is a protected leave under the California Fair Employment and Housing Act (FEHA) and regulated by the Department of Fair Employment and Housing (DFEH).*

PDL Eligibility & Entitlement

Eligibility:

- *There is no minimum service or work time requirement for a pregnant employee to take Pregnancy Disability leave*

Entitlement:

- *PDL allows employees to take up to four (4) months defined by the District as 18 workweeks of job-protected leave for disabilities relating to pregnancy, childbirth, or related medical conditions*
 - *Employees who meet the 12 months of employment AND 130 days worked (1250 hours worked for units A, E, G, & Classified Subs) eligibility requirements under FMLA/CFRA and continue to be absent due to disabilities relating to pregnancy, childbirth, or related medical conditions after exhausting the 18 workweeks of PDL, will continue to be protected for up to an additional 12 workweeks under CFRA*
- *The up to 18 workweeks of PDL entitlement is per pregnancy, not per year*
 - *FMLA/CFRA is up to 12 workweeks in a 12-month period (FMLA Year) measured forward from the employee's first absence date.*

PDL Definition & Examples

PDL is defined as:

- *A physical or mental condition related to pregnancy or childbirth that:*
 - *Either prevents an employee from performing essential duties of the employee's job,*
 - *Or if the employee's job would cause undue risk to the employee or the employee's pregnancy's successful completion*
- *The employee's health care provider should determine whether or not the employee has a pregnancy disability*

PDL examples include, but are not limited to:

Prenatal and/or postnatal care	Childbirth, loss or end of pregnancy
Severe morning sickness	Pregnancy-induced hypertension
Doctor-ordered bed rest	Post-partum depression
Gestational diabetes	Recovery from childbirth, loss or end of pregnancy

Employee Rights under PDL

An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to:

- *Up to four months (18 workweeks) of job-protection for absences before, during, or after pregnancy*
 - *PDL leave is in addition to any leave entitlement the employee may have under CFRA*
- *Request a reasonable accommodation upon the advice of the employee's health care provider indicating a pregnancy-related disability prevents the employee from performing their usual and customary job duties*
- *As a reasonable accommodation, and with the advice of a physician, an employee can request transfer to a less strenuous or hazardous position for the duration of the pregnancy (if such a position is available)*
- *Retain medical benefits during the duration of the pregnancy disability leave, even if all paid time is exhausted*
- *Return rights to the employee's original position (unless the position has been closed due to a reduction in force) or to a comparable position (same tasks, skills, benefits, and pay)*

Employee Responsibilities under PDL

An employee disabled by pregnancy, childbirth, or a related medical condition must:

- *Provide advance notice if the need for leave is foreseeable or as soon as reasonably possible if the need for leave is unforeseeable*
 - *This includes any scheduled medical appointments or procedures during the pregnancy*
- *Comply with usual and customary call-in and reporting procedures in accordance with their work location and Collective Bargaining Agreement*
- *Make a reasonable effort to schedule planned medical treatment so as to not unduly disrupt the District's operations*
- *Complete the Certification/Request of Absence for Illness, Family Illness, New Child (60-ILL)* form when requesting or certifying any absences for illness or disability*
 - **See BUL-6307.4*
 - *Per District Policy: Leaves exceeding more than 20 consecutive working days require the employee to submit a formal leave request and can only be granted or approved by the appropriate personnel division/branch*
- *Inform their work location of any changes in return to work date and/or extensions of leave*

Employer Responsibilities under PDL

Under the California Pregnancy Disability Leave the District must:

- *Grant pregnancy disability leave to an employee disabled by pregnancy who has given the District notice and has provided medical certification of the disability*
- *Provide reasonable accommodation for a disability resulting from pregnancy, childbirth, or associated medical conditions at the employee's request and with the advice of the employee's health care provider*
- *Allow, but not require, an employee to use vacation or other accrued time off during pregnancy disability leave*
 - *PDL absences can be paid, unpaid, or a combination of both*
- *Reinstate an employee under the protection of pregnancy disability leave to their original job unless the position has been closed due to a reduction in force*

PDL Tracking & Compensation

PDL Intermittent Absences & Holidays:

- *When a holiday falls within the workweek and the employee works any portion of the workweek, only the days the employee reported as PDL can be included in calculating the employee's PDL entitlement (usage)*
 - *The District cannot count the holiday as PDL leave under these circumstances*

PDL Continuous Leaves, Holidays, & Shutdowns

- *When a holiday falls within the workweek and the employee is absent for the entire workweek, the holiday is included in the calculating the employee's PDL entitlement (usage)*
 - *The entire workweek is counted as one (1) full workweek of PDL used in these circumstances*
- *If the District's business activity has temporarily ceased and employees generally as not expected to report to work for seven (7) or more calendar days, the days the District's business activities have ceased do not count against the employee's PDL entitlement*

Compensation:

- *PDL as defined under FEHA is job protection, not pay. However, if an employee is absent for disabilities related to pregnancy, childbirth, or related medical conditions under PDL, the employee may use any available full pay illness, half pay illness, and vacation time*

PREGNANCY DISABILITY LEAVE CHECKLIST



This checklist will guide you through the process of going on Pregnancy Disability Leave. As with any other job-protected absence, you should partner with your site administrator/supervisor to ensure a seamless Pregnancy Disability Leave.

Division of Risk Management and Insurance Services
Integrated Disability Management (IDM) Branch
February 2019



Pregnancy Disability Leave Checklist Content:

- > Before Going on Leave
- > While on Leave
- > Returning from Leave
- > Resources and Contacts

Division of Risk Management and Insurance Services

Home <

Benefits Administration <

Integrated Disability Management ▾

Absence Management ▾

Attendance

Donations for Catastrophic Illness

FMLA

Reasonable Accommodation

Stay At Work

Workers' Compensation <

Risk Finance and Insurance Services <



Resources/Forms



Employees



Administrators

FMLA

The FMLA/CFRA program provides individualized assistance in complying with and understanding complex overlapping protected leave laws including the federal Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), and the California Pregnancy Disability Leave Act (PDL).

Resources

[District Protected Absence and Leaves of Absence Information](#)

[FMLA Process Guide](#)

[FMLA/CFRA Eligibility Calculation Job Aid](#)

[FMLA/CFRA Year Determination Job Aid](#)

[Parental Leave Checklist](#)

[PDL: Pregnancy Checklist](#)

[Protected Absence Codes](#)

Pregnancy Checklist Booklet

Please click on the link below to access the PDL Checklist Booklet. To print in booklet form, make sure your printer Page Sizing & Handling is set to:

- 11 x 8.5 paper
- Print on both sides of paper
- Flip on short edge

Once printing in complete, fold the pages in half to achieve the booklet format.

[PDL: Pregnancy Checklist Booklet](#)

This checklist is provided for informational and discussion purposes only. It cannot modify or change District Policy, Collective Bargaining Agreements (CBA), Personnel Commission (PC) Rules, or Federal and/or state laws in any way. The District's Protected Absence and Pregnancy-Related Policy Bulletins, Personnel Commission (PC) Rules, and Collective Bargaining Agreements (CBA) can be found here: [District Protected Absence and Leaves of Absence Information](#)

Resources

FMLA/CFRA/PDL Guidance and Support:	213.241.3954; fmla@lausd.net
Los Angeles Unified School District's FMLA/CFRA/PDL website (Tools & Resources):	http://achieve.lausd.net/idm Pregnancy Checklist; Forms; Notices; Tracking Worksheet
FMLA Bulletin	BUL – 1205.4
Paid Parental Leave Bulletin	BUL – 6861.0
Certification of Absence Form	BUL – 6307.4
FMLA Regulations	https://www.dol.gov/whd/fmla/index.htm
CFRA Regulations	http://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations
California Pregnancy Disability Leave Act	https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/
Collective Bargaining Agreements on Staff Relations website:	From LAUSD's homepage: http://www.lausd.net , go to "Offices" then "Office of Labor Relations"
Personnel Commission Rules	From LAUSD's homepage: http://www.lausd.net , go to "Offices" then "Personnel Commission"