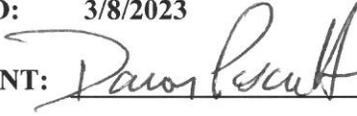
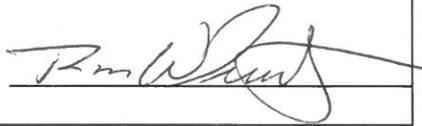


Scotts Valley Fire Protection District	
POLICY: 1113	SUBJECT: Pregnancy Disability Leave
DATE APPROVED: 3/8/2023	
BOARD PRESIDENT: 	FIRE CHIEF: 

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Scotts Valley Fire Protection District (SVFPD) to manage pregnancy disability leave in accordance with the California Fair Employment and Housing Act (FEHA) (Government Code § 12945; 2 CCR 11040) and the Pregnancy Discrimination Act of 1978 (42 USC § 2000e(k)).

DEFINITIONS

Definitions related to this policy include:

Interactive process - An informal meeting between employer and employee, designed to identify the precise limitations resulting from a disability and any potential reasonable accommodations that could overcome those limitations and allow the employee to return to work, either in their usual and customary position or some other type of work.

POLICY

The SVFPD recognizes pregnancy as a disability and shall treat pregnant employees in a manner consistent with other employees with disabilities. The SVFPD shall defer to a pregnant employee’s qualified health care provider in assessing the employee’s ability to work.

ELIGIBLE MEMBERS

Employees who are disabled by pregnancy, childbirth or related medical conditions are eligible for pregnancy disability leave. There is no required minimum amount of service time or number of hours worked in order to be eligible (2 CCR 11037).

TIME AND DURATION OF LEAVE

Under certain circumstances, an eligible employee may be entitled to take pregnancy disability leave of up to four months and leave allowed under the Family and Medical Leave Act (FMLA) of up to 12 weeks, for a combined total of approximately seven months.

Employees may take up to four months of pregnancy disability leave per pregnancy for any actual disability caused by pregnancy, childbirth or related medical conditions (Government Code §12945). Pregnancy disability leave need not be taken in one continuous period of time and may be taken intermittently, on an as-needed basis (2 CCR 11042).

Scotts Valley Fire Protection District	
POLICY: 1113	SUBJECT: Pregnancy Disability Leave

Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth and recovery from childbirth is allowed by pregnancy disability leave.

If affected by pregnancy, childbirth or related medical conditions, an employee may be permitted to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is recommended by the employee’s physician after reviewing the employee’s job description and required duties (2 CCR 11041).

An employee may also receive reasonable accommodation for conditions related to pregnancy, childbirth or related medical conditions, if recommended by a qualified health care professional (Government Code § 12945(3)).

BENEFITS DURING LEAVE

An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave (2 CCR 11044; Government Code § 12945) if:

- (a) The employee is eligible for concurrent family medical leave.
- (b) The employee has not already exhausted the 12-week group health insurance coverage benefit in the current FMLA eligibility period.

The SVFPD shall maintain and pay for the coverage for the duration of the leave as required in Government Code § 12945(2).

The SVFPD may recover premiums paid to maintain health coverage, as provided by FMLA laws and Government Code § 12945(2), if an employee does not return to work following pregnancy disability leave.

An employee on pregnancy disability leave, who is not eligible to receive group health insurance coverage, may receive health insurance coverage in conjunction with Consolidated Omnibus Budget Reconciliation Act (COBRA) guidelines by making monthly premium payments to the SVFPD.

Sick leave, vacation leave and seniority do not accrue while an employee is on unpaid pregnancy disability leave.

USE OF OTHER LEAVES

Employees are required to use accrued sick leave for any authorized pregnancy disability leave. At the employee’s option, accrued vacation or other accrued time off may be applied toward the pregnancy disability leave. If no accrued sick or vacation leave is available, pregnancy disability leave is unpaid (2 CCR 11044).

Scotts Valley Fire Protection District	
POLICY: 1113	SUBJECT: Pregnancy Disability Leave

Pregnancy disability leave will run concurrently with FMLA and any short-term disability leave for those employees who are eligible for both.

PROCEDURE

The following procedures apply to all employees requesting pregnancy disability leave:

- (a) Employees who wish to take pregnancy disability leave shall provide their supervisor with 30 days of advance notice if the need for leave is foreseeable or as soon as practicable if the need for leave was not foreseeable (2 CCR 11050).
- (b) An employee shall submit a written request for pregnancy disability leave approved by the Fire Chief or their designee before the leave begins. The employee shall submit “Certification of Health Care Provider for Pregnancy Disability Leave, Transfer and/or reasonable Accommodations” 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 (Government Code §12945; 2 CCR 11050).
- (c) The supervisor should forward requests for pregnancy disability leave to the Fire Chief or their designee that the pregnancy disability leave or transfer request is responded to as soon as practicable and in no event later than 10 days after receiving the request (2 CCR 11050).
- (d) Employees shall submit any request for an extension of leave in writing to their supervisor prior to the agreed date of return. The request for extension must be supported by a written certification from the attending physician that the employee continues to be disabled by pregnancy, childbirth or a related medical condition.
- (e) Employees returning from pregnancy disability leave shall provide a written statement from a qualified health care professional attesting that the member is fit to return to full duty (2 CCR 11050).

REINSTATEMENT FOLLOWING LEAVE

Upon the expiration of pregnancy disability leave or transfer, and the SVFPD’s receipt of a written return to full duty certification, the employee will be reinstated to their original or an equivalent position, unless the position has been eliminated for a legitimate business reason during the leave (2 CCR 11043).

If the same position is no longer available, as in a layoff, the employee will be entitled to a position that is comparable in pay, location, job content, promotional opportunity and geographic location if such a comparable position exists.

Scotts Valley Fire Protection District	
POLICY: 1113	SUBJECT: Pregnancy Disability Leave

If upon return from pregnancy disability leave an employee is unable to perform the essential functions of the job because of a disability, the employee should work with the Fire Chief or their designee to engage in an interactive process to identify a potential reasonable accommodation.

RESPONSIBILITY

The Fire Chief or their designee should advise the supervisor and inform employee of their rights and responsibilities.

RECORDS

The SVFPD will maintain leave-related records for at least four years or in compliance with the SVFPD’s established record retention schedule (Government Code §12946).

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA/California Family Rights Act (CFRA) and this policy shall be maintained as confidential medical records in separate files from the employee’s personnel files.