



KEY FACTS SHEET

MAY 2013

Pregnant and Working: What You Need To Know

Accommodation and leave in the workplace.

PREGNANCY ACCOMMODATION

Who is Eligible?

Your patient is eligible for accommodation in her workplace if it is medically advisable that she receive an accommodation due to her pregnancy, and she works for an employer with at least five employees (unless she works for the federal government).

What Kind of Accommodations Can My Patient Get?

An employer must give pregnant or recently pregnant employees “reasonable accommodations” at work, meaning reasonable adjustments to the employee’s duties or work setting so that the employee can continue to work while pregnant or recovering from pregnancy.

- > Examples of reasonable accommodation can include: temporary transfers to less hazardous, strenuous, or stressful positions; acquisition or modification of equipment or devices; the provision of a sitting stool; reduced workload; more frequent or longer rest breaks; and allowance to work from home.
- > Employers are not required to create a new position, terminate another employee, transfer another employee with more seniority, or transfer an employee who is not qualified, in order to accommodate an employee’s pregnancy.

OB/GYNs can be crucial to helping pregnant women and new mothers stay healthy while working. This fact sheet provides information on what OB/GYNs can do to help their patients.

What is The Physician’s Role?

- **Talk with your Patient:** Talk with your patients to understand their job duties and to determine whether or not it is medically advisable that they receive an accommodation at work.
- **Advise your Patient:** If you believe that your patient should receive an accommodation, advise your patient to request it from her employer.
- **Certify the accommodation:** Employers must grant the accommodation if reasonable (see above), but can require doctors to submit a written document certifying that the accommodation is medically advised due to a pregnancy-related condition, and estimating the period of time for which the accommodation is advised.

PREGNANCY DISABILITY LEAVE

Who is Eligible?

To be eligible for Pregnancy Disability Leave, your patient must work for an employer with at least five employees (unless she works for the federal government), and she must be “disabled by pregnancy.”

- > A patient is “disabled by pregnancy” if you, as her physician, believe that she is unable because of a pregnancy, child birth or a related medical condition, to perform an essential function of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons.

- > Patients with “healthy” pregnancies are and eligible for leave if the normal effects of pregnancy (including morning sickness) prevent them from being able to perform their jobs safely.

What Benefits Come With Leave?

Four Months of Job Protection: Women in California may take up to four months of leave without losing their jobs, if they are disabled by their pregnancies (see above).

Intermittent Leave: Women may take Pregnancy Disability Leave intermittently (in small increments of time) or continuously (in larger increments of time), if it is certified by a doctor.

Health Insurance: Women who are receiving health insurance benefits from their employers before they take the leave are guaranteed continued health insurance benefits for the entire duration of this leave (up to four months).

Pay: This leave is generally unpaid. However, women who pay into California’s State Disability Insurance (SDI) can collect partial wage replacement from the state while on pregnancy disability leave. Women may also be eligible to use accrued vacation, sick, and comp time while on this leave.

What is The Physician’s Role?

Talk with your patient: Talk with your patients so you can understand their job duties and to determine whether or not it is healthy for them to continue working while pregnant or suffering from a pregnancy-related condition.

Advise your patient: If you believe that your patient should not continue working, advise her to request Pregnancy Disability Leave.

Certify the leave: Employers must grant this leave if given reasonable notice (30 days if possible), but can require doctors to submit a written document certifying that the employee cannot safely perform her job because of a pregnancy-related condition, and estimating the period of time for which she will need leave.

BONDING LEAVE

Who is Eligible?

Your patient must meet several requirements to be eligible for bonding leave:

- > Her employer must have 50 or more employees within a 75-mile radius of her worksite.
- > She must have worked for the employer for at least one year, and at least 1,250 hours in the previous year.
- > She must take the leave during the year after the child’s birth, adoption, or assignment to foster care.
- > She must not have yet exhausted her 12 weeks of family or medical leave that year.

What Benefits Come With Bonding Leave?

Twelve Weeks of Job Protection: Eligible parents in California may take up to 12 weeks of leave each year without losing their jobs, in order to bond with their newborn, newly adopted, or assigned foster children.

Leave Not Exhausted By Taking Pregnancy

Disability Leave: Eligible mothers in California may take bonding leave in addition to Pregnancy Disability Leave. They can take bonding leave whether or not they are still disabled.

Intermittent Leave: Employees must be permitted bonding leave in two-week blocks of time, although they are allowed to take bonding leave in smaller increments up to two times. The employer may allow variations with respect to intermittent leave that are more beneficial to the employee.

Health Insurance: Women who received health insurance benefits from their employer before they took the leave are guaranteed continued health insurance benefits for up to the entire duration of this leave (12 weeks).

Pay: This leave is generally unpaid. However, women who pay into California’s State Disability Insurance (SDI) can collect partial wage replacement from the state for either a continued temporary disability (if certified), or for six weeks of bonding leave called Paid Family Leave (PFL). Women may also be eligible to use accrued vacation and comp time while on this leave.

What is The Physician's Role?

Talk with your patient: Advise your patients as to the availability and health benefits of taking this leave. You need not submit certifications for patients to take this leave.

Equal Rights Advocates (ERA) Can Help:

ERA provides a toll-free multi-lingual Advice and Counseling Hotline where you can receive advice and information on your legal rights. To speak with a counselor, [request Advice & Counseling](#) or call ERA toll-free at (800) 839-4372 or call (415) 621-0505.

You can also contact us here:

Equal Rights Advocates
180 Howard Street, Suite 300
San Francisco, CA 94105
Phone: (415) 621-0672
Fax: (415) 621-6744
Web: www.equalrights.org

MORE RESOURCES

www.edd.ca.gov/disability
(information on California's wage replacement programs)

www.equalrights.org
(information on ERA's free multilingual hotline for pregnant women with legal questions about leave and accommodation in the workplace)

This fact sheet is intended to provide general information relating to employment law in California. Since the law is subject to change, Equal Rights Advocates cannot ensure that this information is current, nor can it be responsible for any use of this information. Do not rely on it without consulting an attorney.