

*You may qualify for **SHORT TERM DISABILITY** while on maternity leave!
CALL the State Disability Insurance Program at **1-800-480-3287** for information.*

What does the law provide?

A maximum of 16 weeks leave for a disability related to pregnancy, childbirth or a related medical condition. A woman is considered disabled if she is unable to perform one or more essential functions of her job owing to her pregnancy or related health condition.

Which employers are covered?

All employers in the state of California with 5 or more employees.

Am I covered by the law?

- You must work for a covered employer (*see previous question*).
- There are no hour or time requirements to qualify.

How much notice must I give my employer?

- If possible, you should provide at least 30 days advance written notice if your leave is foreseeable.
- If you do not know exactly when your leave will begin, you must give reasonable advance notice.
- In case of an unforeseen emergency, an employer cannot deny Pregnancy Disability Leave (PDL).

What kind of notice must I give my employer?

- You must provide at least verbal notice of the anticipated need for leave and the expected date at which such leave will be needed.
- An employer may require that you provide medical certification of the need for leave or for a reduced and less strenuous work schedule.
- If your employer requires certification, the most information you need to provide is the following:
 - The date you became disabled
 - The duration of the recommended leave
 - An explanation of why you cannot work

What is the minimum amount of time I can take?

- Leave can be used at any period during and after pregnancy or for a childbirth-related disability. Any small fractions of time used for PDL can be used in computing the four-month period granted by law.
- Periodic absences for pregnancy-related illness of short duration, taken prior to the actual leave, can be subtracted from the four months of PDL.

Must I use my vacation and paid sick leave?

- Your employer may require that you use any or all of your sick leave during PDL.
- Your employer cannot require that you use vacation time.
- You are entitled to apply any accrued sick and/or vacation leave to PDL, if you choose to do so.

[Over...]

- At the discretion of your employer, you can add sick leave, vacation and/or any other leave credits to **the end** of your PDL, extending your leave past the four months allowed by law.

What are the obligations of my employer under the law?

- You are entitled to receive the same benefits as another employee would receive under a non pregnancy-related temporary disability.
- You are entitled to reasonable accommodation in your work.
- Upon returning to work, you must be reinstated to a position that is the same or similar to the one held previously, both in tasks as well as in pay.
- Your employer cannot retaliate against you for requesting or taking PDL.
- Your employer cannot discriminate on the basis of pregnancy.

What is the relationship between PDL and the California Family Rights Act (CFRA), California's version of the Family & Medical Leave Act (FMLA)?

At the end of your PDL, if you are eligible, you may request an additional 12 weeks of unpaid leave for bonding under CFRA.

For more information on CFRA, refer to the Family & Medical Leave Act/ California Family Rights Act (CFRA) FACT SHEET.

What can I do if my employer fails to grant Pregnancy Disability Leave?

- Speak to your union representative.
- Inform yourself of your rights under Federal and State law and keep a written record of all actions taken by your employer.
- Contact the Legal Aid Society – Employment Law Center (*see below*)

For more information about your rights under the law, contact:

Legal Aid Society – Employment Law Center: www.las-elc.org

Work and Family Helpline: (800) 880-8047 (California calls only); (415) 864-8848 (main number)

This FACT SHEET is a publication of the Labor Project for Working Families and is intended to provide accurate information regarding the legal rights of California employees. However, do not rely on this information without consulting the Legal Aid Society – Employment Law Center, or another attorney, about your legal rights under the law. Reprints permitted with acknowledgment. © March 2008.

This FACT SHEET is also available in Chinese and Spanish. Please call (510) 643-7088 or email info@working-families.org.