



Maternity Leave Packet

Answers to Frequently Asked Questions
about Maternity Leave
Time Off

Congratulations!

We hope you will find the information in this packet a helpful tool in planning your Maternity Leave.

While this will be one of the happiest times of your life, work-wise it can quickly become confusing when trying to find your way through the maze of laws and benefits available to you. We've tried to simplify the process for you in this packet. Please remember, you can always contract HR for guidance and assistance.



Please Note: This summary is intended to be an aid in providing employees who will be on Maternity Leave with possible leave options. While every attempt is made to align this packet with current California and Federal Leave Laws, it is important to remember these laws are ever-changing and information within this packet is subject to change without notice.

Frequently Asked Questions

1. I just found out I'm pregnant – what should I do?

As soon as is practical, please let your site administrator or supervisor and Human Resources know so that preliminary planning for coverage of your position can begin. To notify us of your upcoming leave, please fill out and return the Employee Request for Leave form with your projected leave dates. When you have an estimated date of delivery and are likely to begin your leave in less than one month, please submit a doctor's note with your estimated leave dates and due date to Human Resources.

2. How long can I keep working?

You may continue working as long as you and your doctor agree that you can perform your job safely.

3. I am not due for a few weeks, but my doctor has placed me off work. What do I do?

If the beginning date of your maternity leave has changed, please submit an updated doctor's note to Human Resources with your new release from work date.

4. What is PDL?

PDL stands for Pregnancy Disability Leave. PDL begins the first date you are placed off work for your pregnancy and/or delivery and continues as long as your doctor indicates you are disabled by pregnancy post-partum, or for a maximum of four (4) months, whichever comes first, per Government Code Section 12945. During Disability Leave the District will continue to pay its portion of medical and dental benefit premiums.

5. What is FMLA/CFRA?

FMLA stands for Family Medical Leave Act. FMLA allows qualified employees to take up to 12-weeks of job-protected leave and runs concurrently with PDL. Since not all employees qualify for FMLA, please check with the Human Resources department for eligibility requirements. The District will send FMLA eligibility paperwork to you when you begin your PDL. FMLA leave begins the first day you are placed off work for your pregnancy and/or delivery. During FMLA the District continues contributions to medical and dental benefits. You will still be responsible for your portion of the benefit cost. FMLA is limited to 12 workweeks every 12 months. The 12-month period is measured forward from the date of your first FMLA leave usage.

6. I delivered my baby, now what?

Please submit a new doctor's note indicating how long your doctor has taken you off work for disability post-partum to Human Resources and submit a certification of birth. [You must contact the Payroll Department within 30 days of birth if you choose to add your baby to your health plan.](#)

7. What is the normal length of time I will be off work for disability?

Because every pregnancy is different, you and your doctor determine the length of time off work for disability. Routine post-partum pregnancy disability is 6 weeks following a natural delivery, or 8 weeks following a cesarean section. Your doctor may determine that you are disabled from work for additional time before or after the delivery of your baby.

8. When can I return to work?

You may return as soon as your doctor releases you. Again, this is a medical decision that is made by you and your physician.

9. What if I want to stay out a little longer after my doctor releases me from disability?

Once you receive medical clearance to return to work, you may request to remain off work for "Child Bonding" under the California Family Rights Act (CFRA). CFRA allows for an additional 12 weeks of leave for employees to bond with a newborn child or a child placed for adoption/foster care. CFRA is limited to 12 workweeks every 12 months.

10. What is Differential Pay (Certificated Employees)?

If you run out of Sick Leave and you are still disabled by pregnancy, you will be placed on differential pay under Extended Illness Leave, Ed Code 44984. Differential pay is your daily pay rate less the amount of money the District is paying or would pay for a substitute to take your place. Per Ed Code Section 44977.5, employees off work for

the purposes of bonding with their new child are eligible to receive continued differential pay for 12 work weeks. Child bonding time must be taken within 1 year of the child's birth. Differential pay during child bonding begins when sick leave is exhausted.

11. What is Half Pay/Extended Sick Leave (Classified Employees)?

If you run out of Sick Leave and you are still disabled by pregnancy, you will be placed on half pay under Extended Illness Leave (CSEA Section 11.6). Per Ed Code Section 45196.1, classified employees off work for the purposes of bonding with their new child are eligible to receive continued half pay for 12 work weeks. Child bonding time must be taken within 1 year of the child's birth. Half pay/Extended Sick Leave during child bonding only begins when sick leave is exhausted.

12. How do holidays, breaks or district in-service days effect my pay on leave?

Depending on your work calendar, your salary is divided over 11 or 12 months so that you are paid an equal monthly amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring break, etc.). Certificated employees, in reality, only paid for actual days you work when students are in class or when you are attending district in-service. If holidays or non-work days (such as school vacations) occur during your leave, sick leave will not be deducted. However, holidays and non-duty days will count as days used under your FMLA/CFRA leave entitlement.

13. I want to stay out even longer. Are there any other options?

Certificated Employees: If you have exhausted leave under CFRA and you want to remain off work, you may request parental leave without pay for up to one year, minus any time taken off under PDL/FMLA/CFRA. Unpaid parental leave may begin within two (2) years after the birth of the child. Please be advised that you will not receive any salary or District-paid benefits during this leave, however, benefits may be purchased through the District. A maximum of one (1) year extended parental leave may be requested provided that the request for extension is received by the District no later than forty-five (45) calendar days prior to the expiration of the original unpaid leave and the District can secure an adequate replacement. Please note that no sick leave will be accumulated by a unit member who is on an unpaid parental leave of absence. To request additional unpaid parental leave, please fill out and updated "Request for Leave of Absence" form (attached), and submit it to HR.

Classified Employees: If you have exhausted leave under CFRA and you want to remain off work, you may request additional unpaid leave under Personal Business Leave (CSEA Section 11.4). Upon approval of the Assistant Superintendent of Human Resources, leave without pay may be granted for up to sixty (60) calendar days. To request additional unpaid leave, please fill out an updated "Request for Leave of Absence" form (attached), and return it to HR.

14. How much leave is allowed if both parents work for the District?

If both parents work for the district, only one twelve (12) week period of child bonding, is available to each in a 12-month period.

15. When will I be expected to pay for the full cost of my benefits?

While you are off work under your 12 weeks of FMLA as well as while you are receiving differential/half pay during child bonding/CFRA, the District contribution to your benefits will continue as if you were working. If FMLA and child bonding time is exhausted and you have not returned to work and choose to take unpaid leave, the District will not continue to cover the cost of your benefits and you will be responsible for the full premium to continue your benefits. Because benefit contributions are paid on a monthly basis, you will be invoiced for the full cost of benefits when you are on unpaid leave for a full month.

Please note that beginning a leave of absence, losing employer contributions to a healthcare plan resulting in a significant increase in the employee's share of premiums (moving to unpaid leave), and returning from leave are Qualifying Events under our medical and dental plans. This means that within 30 days of these events you may drop or add benefits outside of open enrollment.

16. Do I qualify for state disability (SDI)?

Classified employees should apply for SDI during their pregnancy disability. Since certificated employees do not pay into State Disability Insurance (SDI), they are not eligible but should contact their voluntary disability insurance carrier if they have one (ex. The Standard). Please note, eligibility for state disability is determined by the California Employment Development Department and it is suggested you contact SDI for specific information. Any forms sent to us will be quickly forwarded so your eligibility can be determined accurately. Please [click here](#) and [here](#) for more information.

17. How will my substitute be selected? Am I responsible for finding someone?

The site administrator and Human Resources will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Please enter your expected dates of absence into Absence Management so that we can begin working to fill your position.

18. Will my maternity leave affect my salary advancement when I return (Certificated Employees)?

To be eligible to advance to the next step on the salary schedule a certificated employee must work 75% of the total work days of the employee's assigned position during the previous year (WTA article 11.8.5).

19. If I am a Certificated employee and I take a long leave, do I get my school and grade back when I return?

We try to place everyone in her first choice of school and grade but this is not guaranteed. For a short-term maternity leave that does not involve CFRA leave, you will most likely return to the same class. It is important to remember that although FMLA and CFRA are "job-protected leaves," this does not mean you will return to the exact position you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential upon your return.

20. I have income protection or Disability insurance. Can I use it? How does it work?

Some voluntary disability plans cover maternity leave. Please contact the insurance company directly to discuss your plan. If the agency needs any information from the District, they will send the forms directly to Human Resources and the forms will be completed and submitted promptly.

21. What is Paid Family Leave?

Paid Family Leave (PFL) allows eligible workers partial salary replacement but does not provide job protection or return rights. Classified employees should apply for PFL during their child bonding leave. Since certificated employees do not pay into State Disability Insurance (the program under which PFL is paid), they are likely not eligible. However, eligibility for PFL is not determined by the District. Please contact EDD's Paid Family Leave department for eligibility determination.

22. I'm still confused, who can answer my other questions?

Human Resources is here to help! This whole topic can be very confusing, as every situation is quite different. We strongly suggest you make an appointment with the Benefits Accrual Analyst to talk about how your leave will affect your salary and benefits during your maternity leave.

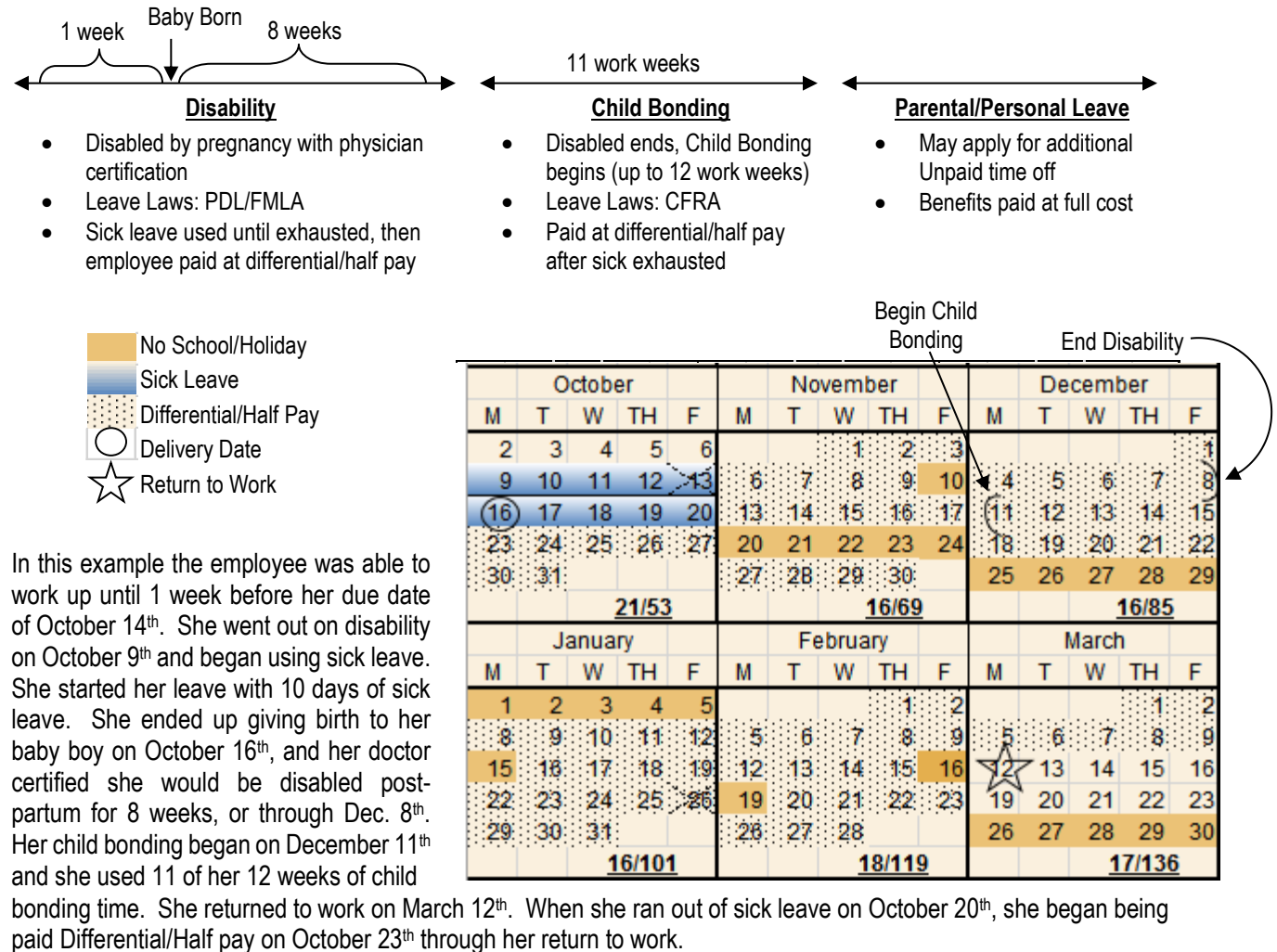
Leave Designations and Timeline

- **Pregnancy Disability Leave (PDL)** begins the first day an employee is placed off work by their doctor regardless of their due date. Pregnancy Disability Leave is available for up to four (4) months for employees who are disabled by pregnancy, child birth, or a related medical condition. A doctor's note must be provided prior to an employee being placed on PDL and will run as long as a physician certifies pregnancy disability.
- **Family Medical Leave Act (FMLA)** begins the first day an employee is placed off work by their doctor. PDL and FMLA run concurrently. Employees are paid using their sick leave, and when sick leave is exhausted, employees are paid differential/half pay (under Extended Illness) for the duration of their disability.
- Leave under the **California Family Rights Act (CFRA)** for child bonding may be requested for an additional 12 weeks after FMLA and/or PDL has been exhausted. For the 12 weeks of child bonding per Education Code Section

44977.5, certificated employees who have depleted their sick leave will continue to be paid at differential/half pay for the 12 weeks of CFRA.

- Additional unpaid time off may be requested under Parental Leave. Approval of **Parental/Personal Leave** is approved on a case by case basis.

Sample timeline for maternity leave:



Reminder-What Human Resources needs for Your Leave

- Before leave begins, provide a doctor's note taking you off work and estimating the dates of pregnancy disability.
- After baby is born, please provide a new doctor's note stating how long you will be disabled post-partum. This note will inform us when you will begin your child bonding time off when you are no longer disabled.
- Please keep in touch regarding your plan child bonding time off and your intended return to work date.
- To request unpaid time off provide an updated Request for Leave of Absence form.

FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE

DFEH



THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING, BUSINESS ESTABLISHMENTS, AND STATE-FUNDED PROGRAMS AND ACTIVITIES, AND FROM HATE VIOLENCE AND HUMAN TRAFFICKING.

Under California law, you may have the right to take job-protected leave to care for your own serious health condition or a family member with a serious health condition, or to bond with a new child (via birth, adoption, or foster care). California law also requires employers to provide job-protected leave and accommodations to employees who are disabled by pregnancy, childbirth, or a related medical condition.

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, and if we employ five or more employees, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent, parent-in-law, grandparent, sibling, spouse, or domestic partner. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement-for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position-at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your family member who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact your employer.

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperly denied PDL or CFRA leave, file a complaint with DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, DFEH can assist you with your complaint. Contact us through any method above or, for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711).

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

DFEH



YOUR EMPLOYER* HAS AN OBLIGATION TO:

- Reasonably accommodate your medical needs related to pregnancy, childbirth, or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (if one is available) or duties if medically needed because of your pregnancy;
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff;
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code; and
- Never discriminate, harass, or retaliate on the basis of pregnancy.

FOR PREGNANCY DISABILITY LEAVE:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy, childbirth, or related medical condition. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same or a comparable position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, and doctor-ordered bed rest, and covers conditions such as severe morning sickness, gestational diabetes, pregnancy-induced hyper-tension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.
- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

NOTICE OBLIGATIONS AS AN EMPLOYEE:

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, or as soon as practicable if the need is an emergency or unforeseeable.
- Provide a written medical certification from your health care provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See if your employer has a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

ADDITIONAL LEAVE UNDER THE CALIFORNIA FAMILY RIGHTS ACT (CFRA):

Under the California Family Rights Act (CFRA), if you have more than 12 months of service with an employer, and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child**, or for your own serious health condition or that of your child, parent***, spouse, domestic partner, grandparent, grandchild, or sibling. Employers may pay their employees while taking CFRA leave, but employers are not required to do so, unless the employee is taking accrued paid time-off while on CFRA leave. Employees taking CFRA leave may be eligible for California's Paid Family Leave (PFL) program, which is administered by the Employment Development Department (EDD).

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperly denied PDL or CFRA leave, file a complaint with DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

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*PDL, CFRA leave, and anti-discrimination protections apply to employers of 5 or more employees; anti-harassment protections apply to employers of 1 or more.

** "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.

*** "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

LICENCIA DE CUIDADO FAMILIAR Y MÉDICA Y LICENCIA DE INCAPACIDAD POR EMBARAZO



DEPARTAMENTO DE LA IGUALDAD EN EL EMPLEO Y LA VIVIENDA

LA MISIÓN DEL DEPARTAMENTO DE EMPLEO Y VIVIENDA JUSTOS (DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING) ES PROTEGER AL PUEBLO DE CALIFORNIA DE LA DISCRIMINACIÓN ILEGAL CON RESPECTO AL TRABAJO, LA VIVIENDA, LAS INSTITUCIONES PÚBLICAS Y LOS PROGRAMAS Y ACTIVIDADES ESTATALES, ASÍ COMO DE LOS ACTOS DE VIOLENCIA Y LA TRATA DE PERSONAS.

Según la ley de California, usted puede tener derecho a tomar una licencia con protección de empleo para cuidar de su propia condición médica grave o de un familiar con una condición médica grave, o para vincularse con un nuevo hijo (a través del nacimiento, adopción o colocación de crianza temporal). La ley de California también exige que los empleadores den permisos y adaptaciones con protección laboral a las empleadas que están discapacitadas por el embarazo, el parto o una condición médica relacionada.

Bajo la ley de California Acta de Derechos de Familia de 1993 (California Family Rights Act, CFRA), si trabajó con nosotros más de 12 meses y al menos 1,250 horas en ese período de 12 meses antes de la fecha en la que quiere comenzar la licencia, y si tenemos cinco o más empleados, es posible que tenga derecho a una licencia de atención familiar o médica (licencia CFRA). Esta licencia puede durar hasta 12 semanas laborales en un período de 12 meses para el nacimiento, la adopción o la colocación en crianza temporal del niño o por una condición médica grave que tenga usted, su hijo, su padre, su suegro, su abuelo, su hermano, su cónyuge o su pareja doméstica. Aunque la ley solo da licencias no pagadas, los empleados pueden elegir o los empleadores pueden exigir el uso de licencias pagadas acumuladas mientras se toman la licencia CFRA en ciertas circunstancias.

Incluso si no es elegible para la licencia CFRA, si está incapacitada por embarazo, parto o condiciones médicas relacionadas, tiene derecho a tomarse una licencia de incapacidad por embarazo de hasta cuatro meses, según los períodos reales de incapacidad. Si es elegible para la licencia CFRA, tiene ciertos derechos para tomar AMBAS: una licencia de incapacidad por embarazo y una licencia CFRA por el nacimiento de su hijo. Ambas licencias garantizan la reincorporación (para incapacidad por embarazo es en el mismo puesto y para CFRA es en el mismo o uno similar) al terminar la licencia, conforme a cualquier defensa permitida por la ley.

De ser posible, debe notificar con al menos 30 días de anticipación los eventos previsibles (como el nacimiento previsto de un bebé o un tratamiento médico planificado propio o de un familiar). Para eventos que son imprevisibles, necesitamos que notifique, al menos verbalmente, tan pronto como sepa sobre la necesidad de una licencia. El incumplimiento de estas reglas de notificación contribuye y puede ocasionar el aplazamiento de la licencia solicitada hasta que cumpla con esta política de notificación.

Es posible que le pidamos un certificado de su proveedor de atención médica para darle una licencia de discapacidad por embarazo o por condición médica personal grave. Es posible que le pidamos un certificado del proveedor de atención médica de su familiar que tiene una condición médica grave antes de darle una licencia para cuidar de ese familiar. Cuando sea necesario por razones médicas, la licencia puede tomarse en un horario de trabajo intermitente o reducido.

Si está tomando una licencia para el nacimiento, la adopción o la colocación en crianza temporal del bebé, la duración mínima básica de la licencia es de dos semanas y debe terminar la licencia dentro del período de un año después del nacimiento, la adopción o la colocación en crianza temporal.

Tomar la licencia de cuidado familiar o incapacidad por embarazo puede afectar ciertos beneficios y la fecha de antigüedad. Si quiere obtener más información sobre la elegibilidad para una licencia o el efecto de esta en la antigüedad y los beneficios, comuníquese con su empleador.

Si fue objeto de discriminación, acoso o represalias en el trabajo, o se le negó de manera indebida la licencia de PDL o CFRA, presente una queja ante el DFEH.

PARA PRESENTAR UNA QUEJA

Departamento de Igualdad en el Empleo y la Vivienda

dfeh.ca.gov

Llamada sin costo: 800.884.1684

TTY: 800.700.2320

Si usted tiene una discapacidad que necesite una adaptación razonable, el DFEH puede ayudarla con su queja. Comuníquese con nosotros por cualquier medio mencionado arriba; las personas sordas, con problemas de audición o discapacidades del habla pueden comunicarse mediante el Servicio de Retransmisión de California (711).



SU EMPLEADOR* TIENE LA OBLIGACIÓN DE:

- Hacer las adaptaciones razonables a sus necesidades médicas relacionadas con el embarazo, el parto u otras condiciones relacionadas (como modificar por un tiempo las tareas laborales, darle un taburete o una silla, o permitir descansos más frecuentes);
- Cambiarla a un puesto (si lo hubiere) o a tareas menos agotadoras o peligrosas, si fuera médicamente necesario debido al embarazo;
- Darle licencia de incapacidad por maternidad (pregnancy disability leave, PDL) de hasta cuatro meses (los días laborables en los que normalmente trabajaría durante un tercio de año o 17 1/3 semanas) y reincorporarla al puesto cuando ya no esté incapacitada por embarazo o, en ciertos casos, a un puesto equivalente. Sin embargo, tomar una PDL no la protege de medidas laborales no relacionadas con la licencia, como un despido.
- Darle una cantidad de tiempo razonable para descansar y una habitación u otro lugar cercano al área de trabajo (de la empleada) para extraerse leche en privado, como se establece en el Código de Trabajo; y
- Nunca discriminarla, acosarla ni tomar represalias por motivos del embarazo.

LICENCIA DE INCAPACIDAD POR MATERNIDAD:

- La PDL no es por un período de tiempo automático, sino por el período de tiempo que usted esté incapacitada por embarazo, parto o condición médica relacionada. Su proveedor de atención médica determinará la cantidad de tiempo que necesitará.
- Una vez que se haya avisado a su empleador de que usted necesita tomar una PDL, el empleador debe garantizar por escrito que usted puede reincorporarse al trabajo en el mismo puesto o en uno comparable, si usted pide una garantía por escrito. El empleador puede pedirle que presente un certificado médico por escrito de su proveedor de atención médica que justifique la necesidad de licencia.
- La PDL puede incluir, entre otros, más descansos o más frecuentes, tiempo para citas médicas prenatales o posnatales y reposo en cama ordenado por el médico, y cubre condiciones como náuseas matutinas graves, diabetes gestacional, hipertensión inducida por el embarazo, preeclampsia, recuperación de un parto, o pérdida o finalización del embarazo, o depresión posparto.
- No es necesario que la PDL se tome toda a la vez, pero se puede tomar según se necesite, como lo considere necesario su proveedor de atención médica, incluyendo una licencia intermitente o un horario de trabajo reducido.
- La licencia se pagará o no, dependiendo de la política de su empleador para otras licencias médicas. También puede ser elegible para el seguro estatal por incapacidad o la licencia pagada, por asuntos familiares (Paid Family Leave, PFL), administrados por el Departamento de Desarrollo del Empleo de California (California Employment Development Department).
- Según le parezca, puede usar cualquier período de vacaciones u otro tiempo de descanso pagado durante la PDL.
- El empleador puede pedirle que utilice la licencia por enfermedad disponible durante la PDL, o usted puede optar por usarla.
- El empleador debe continuar la cobertura médica colectiva durante la PDL, al mismo nivel y en las mismas condiciones en las que se hubiera dado la cobertura si usted hubiera seguido trabajando con continuidad el tiempo que dure su licencia.
- Es posible que tomar la PDL afecte algunos de sus beneficios y su fecha de antigüedad; comuníquese con su empleador para obtener más información.

OBLIGACIONES DE AVISO COMO EMPLEADA:

- Dar al empleador avisos razonables. Para poder recibir adaptaciones razonables, obtener un traslado o tomar la PDL, debe avisar al empleador con tiempo suficiente para que haga los planes adecuados. Aviso con tiempo suficiente son 30 días de antelación, si la necesidad de adaptaciones razonables, traslado o PDL es previsible; si no, tan pronto como sea posible, si la necesidad es una emergencia o un imprevisto.
- Dar un certificado médico por escrito de su proveedor de atención médica. Con excepción de una emergencia médica en la que no haya tiempo para obtenerlo, su empleador puede exigirle que presente un certificado médico por escrito de su proveedor de atención médica sobre la necesidad médica de adaptación razonable, traslado o PDL. Si la necesidad es una emergencia o un imprevisto, debe presentar este certificado dentro del período que pida el empleador, a menos que no sea posible hacerlo dadas las circunstancias, a pesar de sus esfuerzos diligentes y de buena fe. El empleador debe darle al menos 15 días corridos para presentar el certificado. Vea si su empleador tiene una copia de un formulario de certificado médico para entregarlo a su proveedor de atención médica y que lo complete.
- Tenga en cuenta que si no entrega el aviso anticipado razonable al empleador (o si el empleador lo exige, un certificado médico por escrito de la necesidad médica), el empleador puede tener justificación para retrasar la adaptación razonable, el traslado o la PDL.

OTRA LICENCIA MÁS SEGÚN LA LEY DE DERECHOS DE LA FAMILIA DE CALIFORNIA (CFRA):

Según la Ley de derechos de la familia de California (CFRA), si tiene más de 12 meses de servicio con un empleador y ha trabajado al menos 1,250 horas en el período de 12 meses antes de la fecha en que quiere comenzar la licencia, es posible que tenga derecho a una licencia médica o para cuidado de la familia (licencia de CFRA). Esta licencia puede durar hasta 12 semanas laborables en un período de 12 meses por el nacimiento, la adopción o la crianza temporal de su hijo**, o debido a una condición médica grave que tenga usted, su hijo, padre***, cónyuge, pareja de hecho, abuelo, nieto o hermano. Los empleadores pueden pagar a sus empleados mientras se toman la licencia de CFRA, pero los empleadores no están obligados a hacerlo, a menos que el empleado esté tomando tiempo libre pagado acumulado durante la licencia de CFRA. Los empleados que toman la licencia de CFRA pueden ser elegibles para el programa de Licencia por asuntos familiares pagada (PFL) de California, que administra el Departamento de Desarrollo del Empleo (EDD).

Si fue objeto de discriminación, acoso o represalias en el trabajo, o se le negó de manera indebida la licencia de PDL o CFRA, presente una queja ante el DFEH.

PARA PRESENTAR UNA QUEJA

Departamento de Igualdad en el Empleo y la Vivienda

dfeh.ca.gov

Llamada sin costo: 800.884.1684

TTY: 800.700.2320

Si usted tiene una discapacidad que necesite una adaptación razonable, el DFEH puede ayudarla con su queja. Comuníquese con nosotros por cualquier medio mencionado arriba; las personas sordas, con problemas de audición o discapacidades del habla pueden comunicarse mediante el Servicio de Retransmisión de California (711).

* Las protecciones de PDL, licencia de CFRA y contra la discriminación se aplican a empleadores de 5 o más empleados; las protecciones contra el acoso se aplican a empleadores de 1 o más personas.

** “Hijo” incluye un hijo biológico, adoptado, de crianza temporal, un hijastro, un pupilo legal, o un hijo de un empleado o de la pareja de hecho del empleado, o una persona ante quien el empleado está in loco parentis.

*** “Padre” incluye un padre biológico, de crianza temporal o adoptivo, un suegro, un padrastro, un tutor legal u otra persona que estuvo in loco parentis para el empleado cuando el empleado era un niño.