



Risk Management
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PREGNANCY DISABILITY LEAVE (PDL) AND BABY BONDING LEAVE (CFRA)

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE IN CALIFORNIA

EMPLOYER OBLIGATION:

- An employer must reasonably accommodate your medical needs related to pregnancy, childbirth, or related conditions;
- Transfer you to a less strenuous or hazardous position (if one is available and you are qualified) 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. 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.

EMPLOYEE OBLIGATIONS:

- Give your employer reasonable notice. To receive reasonable accommodation or to 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 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, you are required to supply medical certification from your health care provider. In the event of an emergency, 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.
- Please note that if you fail to give your employer reasonable advance notice or written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation or PDL.



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PREGNANCY DISABILITY LEAVE:

- PDL is 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.
- Employer will require a 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 hypertension, 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 as permitted.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves.
- 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.

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

Under the California Family Rights Act (CFRA), if you have more than 12 months of service with an employer 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 (once PDL has ended), 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, sibling, or someone else related by blood or in family-like relationship with the employee ("designated person").
- 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. SUSD policy requires the employee to use their accrued paid time-off while on CFRA leave.
- Up to 12 weeks within one year of the child's birth, adoption, or start of foster care. CFRA leave will run after PDL. CFRA leave will run at the same time as FMLA. (*Cal. Code Regs., tit. 2, § 11090*).



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- Give your employer notification of at least 20-30 days when taking leave all at once, and 7-10-days for intermittent leave. SUSD policy requires the employee to email your site and Risk Management when utilizing CFRA leave.
 - You may take your leave all at once or intermittently. If requesting intermittent leave, you may take it in separate 2-week blocks. On two occasions, you may take leave in smaller increments of time with prior authorization.
 - When both parents are working for the same company, both parents (including fathers, adoptive/foster parents, or same sex parents) are eligible to a separate 12-week entitlement of CFRA leave.
 - The employer will pay for the continuation of your group health benefits just as it normally pays for those benefits. All other benefits such as seniority and accruals during your CFRA/baby bonding leave will continue.

Updated February 17, 2023