SJSU | PEOPLE AND CULTURE

PREGNANCY DISABILITY LEAVE (PDL) INFORMATION SHEET

Purpose/Description

This information sheet is designed to provide consistent and appropriate guidance for employees and departments in the application and processing of Pregnancy Disability Leave (PDL) requests. Employees are encouraged to consult with the Leave Program Manager to review their specific situation. To make an appointment with the Leave Program Manager call 408-924-2155.

San José State University provides PDL to eligible employees in accordance with the California Fair Employment and Housing Act (FEHA). Family leave is separate and distinct from the right of a female employee to take a PDL under Government Code Section 12945, subdivision (b) (2). If a female employee takes part or all of the maximum four (4) months of PDL, she may request up to twelve (12) weeks additional family leave for reason of the birth of her child or due to her own serious medical condition. The maximum possible combined leave for both family and medical leave (FMLA) and PDL for the reason of the birth of a child is 4 months and 12 weeks.

I. ELIGIBILITY

An employee who is disabled by pregnancy, childbirth or related medical conditions may be eligible for PDL. This includes:

- Before and after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition
- Time off needed for prenatal, or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition

An employee is eligible for PDL regardless of the length of time employed at San José State University. Further, an employee does not have to work full-time to be eligible. PDL may be taken on a part-time or intermittent basis.

II. LEAVE STATUS

A. Paid and Unpaid PDL

PDL is a job-protected leave and is unpaid, except to the extent an employee has available sick leave, vacation time or personal holiday time. Employees on a designated PDL must exhaust any accrued but unused sick leave during the period of the leave and may elect to use any accrued but unused vacation and/or personal holiday time during the period of the leave. Employees may also be eligible for Non-Industrial Disability Insurance (NDI) during this time.

Any portion of a leave that occurs after all paid time off has been exhausted is without pay. Any unpaid or paid portions of a leave shall be added together and will not extend the four month total leave period limitation allowed under PDL.

B. Benefits

All health benefits will automatically continue during any paid leave. During any unpaid portion of the PDL, the CSU pays its normal share of any medical, dental and vision premiums pursuant to law. In addition, the CSU will continue to pay its normal share of any premiums for dental insurance and vision coverage. An accounts receivable will be set up for the employee's share of the premium(s), if any. If the employee wishes to discontinue medical benefits coverage during the unpaid leave, the CSU will also suspend its medical premium payments, but dental and vision will be continued. Suspended medical coverage will be reinstated upon return to active status.

III. PROCESS

A. Employee Responsibilities

1. Provide 30 days advance notice to your immediate supervisor or the Leave Program Manager. If 30 days' notice is not practicable, notice shall be given as soon as the event necessitating the leave becomes known to the employee. Situations with extenuating circumstances will be handled on a case-by-case basis. Failure to provide timely notice may delay approval of the leave.
2. Submit the following required forms to the Leave Program Manager at the time PDL is requested:
   - Leave of Absence Request [DocuSign]
   - Medical Certification (pdf) signed by a health care provider (in the event that any circumstances of the medical condition change, re-certification is required)
3. Provide a Return to Work Certification (pdf) from the attending health care provider prior to your scheduled return date (an employee may not return to work until this form has been submitted).

   All forms are available in UP or on the UP website under Leave Programs-Pregnancy Disability Leave.

B. Department Responsibilities

The appropriate administrator will:

1. Contact the Leave Program Manager immediately upon request from an employee for PDL, or after becoming aware that an employee may need time away from work due to disability from pregnancy or a related medical condition.
2. Within two days of the employee's notification of the need for PDL, inform the employee of her rights under the California Fair Employment and Housing Act (FEHA) and provide the employee with the following:
   - Pregnancy Disability Leave Information Sheet
   - Leave Request Form
   - Medical Certification form
   - Return to Work Certification
3. Submit all completed forms to the Leave Program Manager immediately for review and approval

C. Human Resources Responsibilities

All requests will be reviewed and given final approval.