



Just the Facts on Pregnancy Disability Leave (PDL)

What is it?	<p>"PDL" provides employees disabled by pregnancy, childbirth, or pregnancy-related conditions with up to four months of unpaid, job-protected leave for each pregnancy.</p> <p>NEW EFFECTIVE 1/1/12: Group health benefits must be maintained during the leave as if employee continued to work instead of taking leave.</p>
Who does it cover?	<p>PDL applies to all employers who employ 5 or more employees.</p> <p>Employees are eligible for this leave beginning on their first day of employment.</p>
How long does it last?	<p>The employer must provide up to 4 months of unpaid leave for each pregnancy. This means 4 months worth of days that the employee would normally work.</p> <p>Example: An employee who works half time, "four months" may mean 44 eight-hour days or 88 four-hour days, or four months of whatever is the employee's normal half time work schedule.</p> <p>Example: An employee who normally works six eight-hour days in a week, "four months" means 104 working and/or paid days of leave.</p> <p>This leave may be taken all at once, or taken in smaller blocks of time as designated by their health care provider.</p> <p>PDL does NOT cover baby-bonding time. (See our Just the Facts: Paid Family Leave – PFL).</p>
How is it administered?	<p>Employers are required to post specific notices and provide written information regarding PDL to employees.</p> <p>An employer may require that the need for PDL be supported by a certification issued by a health care provider, but only if you also require this for other types of disability leaves (e.g. recovering from surgery, illness, accident, etc.).</p> <p>You cannot require an employee to use accrued <u>vacation</u> or <u>PTO</u> during PDL – but they may voluntarily do so.</p> <p>You can require an employee to use accrued <u>sick</u> time during the 7 day waiting period before State Disability Insurance (SDI) begins.</p> <p>In addition, upon return from PDL, an employee must be restored to her same job including pay, benefits, and other employment terms and conditions.</p>

How do we maintain benefits?

STARTING 1/1/12: A covered employer is required to maintain group health insurance coverage, including family coverage, for an employee on PDL on the same terms as if the employee continued to work. If an employee is contributing toward the premium, arrangements should be made for them to pay you with cash or check should they cease receiving a paycheck (e.g. if not receiving PTO, sick and/or vacation pay).

Under some situations, employers may be able to recover any costs associated (e.g. premiums) should the employee not return to work.

It is recommended that you provide the employee with a notice when their leave begins which details the benefits that will be continued, as well as what the employee's share of each premium will be and details on how the payments should be made.

Where can I find more information?

Additional information regarding PDL can be obtained here: [DFEH - Pregnancy Discrimination](#).

Please note that as of 11/4/11, this page has not yet been updated to reflect the new maintenance of benefits provisions.

This factsheet is a general overview of PDL and should not be construed as legal advice. In no event will we be liable for any damages whatsoever resulting from use of this material. Because of the potential liability involved with PDL we recommend that legal advice or other assistance be obtained.