
PREGNANCY DISABILITY LEAVE POLICY

Pathways Academy Adult Education (“PAAE” or “Charter School”) adopts this Pregnancy Disability Leave Policy in compliance with the California Pregnancy Disability Act, which requires PAAE to give each pregnant employee an unpaid leave of absence of up to 17 ½ weeks or the equivalent number of days the employee would normally work within that period per pregnancy, as needed, for the period(s) of time the employee is actually disabled by pregnancy, childbirth, or related medical conditions.

EMPLOYEE ELIGIBILITY CRITERIA

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

EVENTS THAT MAY ENTITLE AN EMPLOYEE TO PREGNANCY DISABILITY LEAVE

Pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

1. The employee is unable to work at all, or is unable to perform any one or more of the essential functions of the job without undue risk to self, the successful completion of the pregnancy, or to other persons because of the pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
2. The employee needs to take time off for prenatal care.

DURATION OF PREGNANCY DISABILITY LEAVE

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. “17 ½ weeks” means the number of days the employee would normally work within that period. For a full-time employee who works five (5), eight (8) hour days per week, four (4) months means 693 hours of leave (40 hours per week times 17 1/3 weeks).

At the end or depletion of an employee’s pregnancy disability leave, an employee who has a physical or mental disability (which may or may not be due to pregnancy, childbirth, or related medical conditions) may be entitled to a reasonable accommodation. Entitlement to additional leave is determined on a case-by case basis taking into account a number of considerations, such as whether an extended leave is likely to be effective in allowing the employee to return to work at the end of the leave with or without further reasonable accommodation, and whether or not

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additional leave would create an undue hardship for PAAE. PAAE is not required to provide an indefinite leave of absence, as such absence is not a reasonable accommodation.

PAY DURING PREGNANCY DISABILITY LEAVE

1. An employee on pregnancy disability leave must use all accrued paid sick leave and may use any, or all, accrued vacation time at the beginning of any otherwise unpaid leave period.
2. The receipt of vacation pay, sick leave pay, or State Disability Insurance benefits will not extend the length of pregnancy disability leave.
3. Vacation and sick leave pay accrue during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

HEALTH BENEFITS

PAAE shall provide continued health insurance coverage while an employee is on pregnancy disability leave consistent with applicable law. The continuation of health benefits is for a maximum of four (4) months in a twelve (12) month period. PAAE is entitled to recover premiums paid on behalf of an employee if both of the following conditions are met:

1. The employee fails to return from leave after the designated leave period expires.
2. The employee's failure to return from leave is for a reason other than the following:
 - a. The employee is taking leave under the California Family Rights Act.
 - b. There is a continuation, recurrence, or onset of a health condition that entitles the employee to pregnancy disability leave.
 - c. There is a non-pregnancy related medical condition requiring further leave.
 - d. Any other circumstance beyond the control of the employee.

MEDICAL CERTIFICATIONS

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1. An employee requesting a pregnancy disability leave must provide medical certification from a healthcare provider on a form supplied by PAAE. Failure to provide the required certification in a timely manner (within fifteen [15] days of the leave request) may result in a denial of the leave request until such certification is provided.
2. Recertifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertifications can result in termination of the leave.

REQUESTING AND SCHEDULING PREGNANCY DISABILITY LEAVE

1. An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to the Executive Director. An employee asking for a Request for Leave form will be referred to PAAE's then-current pregnancy disability leave policy.
2. Employees should provide not less than thirty (30) days notice, or as soon as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments, so as not to unduly disrupt PAAE's operations.
4. Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable as determined by the employee's healthcare provider.
5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which they are qualified, has equivalent pay and benefits, and better accommodates recurring periods of leave than the employee's regular position. This will be determined on a case-by case basis taking into account the number of considerations and whether or not accommodations would create an undue hardship for PAAE.
6. PAAE will respond to a pregnancy disability leave request within five(5) days of receiving the request. If a pregnancy disability leave request is granted, PAAE will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

RETURN TO WORK

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1. Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position, unless the employee would not otherwise have been employed in the same position, at the time reinstatement is requested. If the employee is not reinstated to the same position, the employee must be reinstated to a comparable position unless one of the following is applicable:
 - a. The employer would not have offered a comparable position to the employee if the employee would have been continuously at work during the pregnancy disability leave.
 - b. There is no comparable position available, to which the employee is either qualified or entitled, on the employee's scheduled date of reinstatement or within sixty (60) calendar days thereafter. PAAE will take reasonable steps to provide notice to the employee if and when comparable positions become available during the sixty (60) day period. A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.
2. In accordance with PAAE policy, before an employee will be permitted to return from pregnancy disability leave of three (3) days or more, the employee must obtain a certification from a healthcare provider that the employee is able to resume work.
3. If the employee can return to work with limitations, PAAE will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from PAAE.

EMPLOYMENT DURING LEAVE

No employee, including employees on pregnancy disability leave, may accept employment with any other employer without PAAE's written permission. An employee who accepts such employment without written permission will be deemed to have resigned from employment.