

IN CALIFORNIA

PREGNANCY + MY JOB



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A Guide to:
What, When & How

**LEGAL
AID AT
WORK**

IN CALIFORNIA

PREGNANCY + MY JOB:

See the following pages for more information.

1 You're Pregnant!



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Changes at Work



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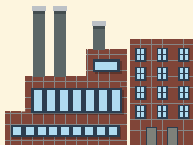


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A Roadmap

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800-880-8047 call for free confidential advice

About this Guide

This guide describes **WHAT** your workplace rights are in California during and after pregnancy. It also teaches you **WHEN** and **HOW** to use your rights. This guide goes along with *Pregnancy + My Job: A Roadmap*. Review your company handbook to learn whether your employer provides additional benefits related to sick days, accommodations, and pregnancy and bonding leave. Employer policies may provide more, but not less, than the law requires. Citizenship and immigration status do not impact these rights. See the back of the guide for “key terms.”

For more detailed information about your legal rights, visit legalaidthatwork.org/wf, or call Legal Aid at Work’s Work and Family Helpline at 800-880-8047 for free, confidential advice in multiple languages.

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1



You're Pregnant!

WHAT

- It is illegal for your employer to discriminate against you or harass you due to pregnancy.
- Most employees have the right to at least 3 paid sick days each year (or more under certain local laws), which can be used for prenatal care or morning sickness.
- If your employer has at least 5 employees, you also have the right to job-protected time off for prenatal care, morning sickness, or other pregnancy-related conditions.

Start thinking about child care. You may be able to get subsidized child care. Call California Child Care Resource and Referral Network at 415.882.0234 or go to www.mychildcareplan.org for more information.

1

WHEN

- You do not need to tell your employer you are pregnant at any specific time. However, you may need to tell your employer you are pregnant if you request time off work or changes at work for a pregnancy-related condition.
- Give advance notice if possible when you need paid sick days or time off.

HOW

- Follow your employer's usual procedure for requesting sick days or time off. If you speak to your employer in person or over the phone, follow up with an email, text, or letter to confirm your conversation, and keep a copy.

Go to **[legalaidatwork.org/wf](https://www.legalaidatwork.org/wf)** for sample letters you can use to request time off or changes to your work.

2



Changes at Work

WHAT

- If you work for an employer with at least 5 employees, you have the right to reasonable accommodations or changes at work due to pregnancy, if recommended by your healthcare provider. This includes changing duties or how work is performed, or providing rest breaks or a place to sit, even if these things are not generally allowed. Accommodations can include transfers.

WHEN

- If you can, talk to your healthcare provider before asking for changes at work.
- You may request changes at work at any time during pregnancy.

2

HOW

- Tell your healthcare provider if any parts of your job cause you discomfort or if you worry your job could harm your health or pregnancy.
- If you need a change at work, follow your employer's usual procedure for requesting accommodations. If you speak in person or over the phone, follow up with an email, text, or letter to confirm your conversation, and keep a copy.
- If requested by your employer, bring a letter from your healthcare provider documenting your need for an accommodation or change at work.

The next two sections describe your right to take leave from work and your right to pay while you are off work. These are two separate rights. Go to the end of this guide for a chart showing how they fit together.

3



Leave from Work

WHAT

- **Pregnancy disability leave** is job-protected, unpaid leave for your health, both before and after delivery. If your employer has at least 5 employees, you have the right to up to 4 months of leave for your own condition, if needed.
- **Bonding leave** is job-protected, unpaid leave from work for both parents to bond with a new child. You can take 12 weeks of job-protected bonding leave (in addition to pregnancy disability leave) if:
 - o You have worked for your employer for at least one year;
 - o You worked at least 1250 hours in the year before your leave; and
 - o Your employer has at least 5 employees nationwide.

WHEN

- **Pregnancy disability leave** most often begins 4 weeks before your due date in an uncomplicated pregnancy. Pregnancy disability leave then continues through 6 weeks post-partum for a vaginal delivery or 8 weeks post-partum for a c-section. Pregnancy disability leave may begin earlier or last longer based on a medical condition.
- You do not have to begin your leave at 36 weeks if you want to continue working, but working closer to your due date does not mean you have the right to more leave after your baby is born. This is because the recovery period after birth, as determined by your healthcare provider, usually remains the same no matter when you start your leave.
- **Bonding leave** begins after you recover from your pregnancy disability. Parents who do not give birth may begin bonding leave as soon as the baby is born. Parents can use their bonding leave at the same time, or at different times. Bonding leave can be taken anytime before the baby turns 1, or within the first year of placement in your home for adoptive and foster parents.

HOW

- Talk to your healthcare provider about when they expect your pregnancy disability leave to begin, and how long they expect it to last.
- Follow your employer's usual procedure for requesting time off. If you speak in person or over the phone, follow up with an email, text, or letter to confirm your conversation, and keep a copy.
- Give your employer at least **30 days** notice of your leave, if possible. If you need to start leave earlier than expected or stay on leave longer after delivery to recover from a medical condition, tell your employer as soon as you can and provide an updated letter from your healthcare provider if your employer asks for one.
- Ask your employer how to continue your health insurance and add your new child to your plan. Most workers are entitled to continue health insurance benefits during leave but you may need to pay your portion of the premium.

4



Pay During Leave

WHAT

- **State Disability Insurance (SDI)** provides partial pay (up to 60 or 70% of your wages) while you are on pregnancy disability leave (both before and after delivery). To be eligible, you must have paid into the SDI fund. Check your paystub for “CASDI” deductions.
- **Paid Family Leave (PFL)** provides 8 weeks of partial pay (up to 60 or 70% of your wages) for each parent while they are on leave from work to bond with a new child. To be eligible, you must have paid into the SDI fund. Check your paystub for “CASDI” deductions.
- You may be eligible for SDI and PFL even if you do not have the right to job-protected leave from work. See Step 3.

WHEN

- SDI benefits begin on your 8th day of pregnancy disability leave, after a 7-day waiting period. Apply to the Employment Development Department (EDD) for SDI on or shortly after your first day of pregnancy disability leave. You cannot apply early. Expect to wait at least 2 weeks before receiving payment.
- PFL begins after SDI for your pregnancy disability ends (usually 6 or 8 weeks after delivery). When you are close to the end of your disability period, EDD should automatically send you the application for 8 weeks of PFL benefits. Parents who do not give birth may apply to the EDD for PFL as soon as the baby is born. Parents can use their PFL at the same time or at different times. PFL can be taken anytime before the baby turns 1 or within the first year of placement in your home for adoptive and foster parents.

HOW

- You can apply for SDI and PFL online at edd.ca.gov, or by submitting a paper form. Ask your healthcare provider to complete their portion of the form for SDI.

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- Notify the EDD if you need to extend your disability benefits. For example, if you have complications or have postpartum depression and need more time to recover, your SDI benefits may be extended. Your healthcare provider must verify your need for an extension with the EDD.

San Francisco Paid Parental Leave Ordinance (PPLO) requires covered employers in SF to provide additional pay to eligible employees so that they receive full pay (up to a maximum) during their 8 weeks of Paid Family Leave. PPLO covers both parents.

- Ask your employer for San Francisco PPLO pay after you apply for Paid Family Leave from the EDD.
- Your employer should give you a form to complete.

Visit sfgov.org/pplo to learn more.

Go to the end of this guide for a chart showing how leave and pay (Steps 3 and 4) fit together.

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Lactation

WHAT

- You have the right to reasonable break time (beyond regular breaks if needed) to pump milk at work. Your employer must provide it unless it would seriously disrupt their operations.
- You also have the right to a private space that is not a bathroom and is clean, has a surface to place a breast pump, has a place to sit, has access to electricity, and is nearby to a refrigerator and a sink. If your employer has fewer than 50 employees, they may not have to comply with one of these requirements if they can prove it would be very hard for them to do so.
- Your employer cannot discriminate or harass you at work because of lactation.

- Your employer must give you a copy of their written lactation policy when you request leave.

WHEN

- Before your leave, ask your employer for lactation accommodations if you plan to pump milk when you return to work.
- As the end of your leave approaches, confirm your return-to-work date with your employer, and remind them of your need to pump at work.

HOW

- Follow your employer's usual procedure for requesting accommodations. If you speak in person or over the phone, follow up with an email, text, or letter to confirm your conversation, and keep a copy.

KEY TERMS

Healthcare provider: your doctor or other professionals in your health clinic

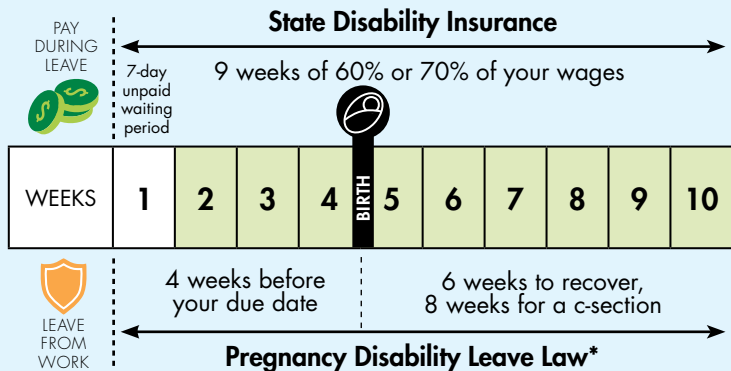
Accommodations: changes to how you perform your job to protect your health or pregnancy

Pregnancy disability: when you cannot perform your job because of a pregnancy or childbirth related health reason. Generally you are considered disabled by your pregnancy starting at 36 weeks until 6 or 8 weeks after birth, even if you have no other health conditions

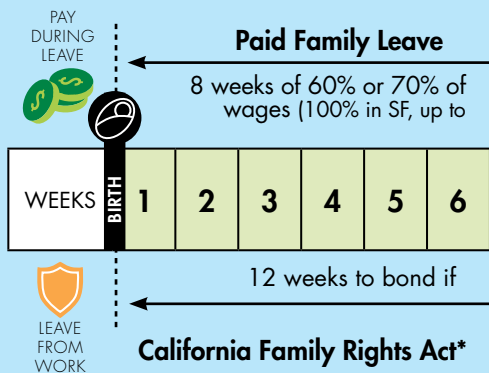
Job-protected leave: the right to take time off from your job and return to the same or similar position after your leave, with continued health insurance benefits during leave

Lactation: providing breastmilk for your baby

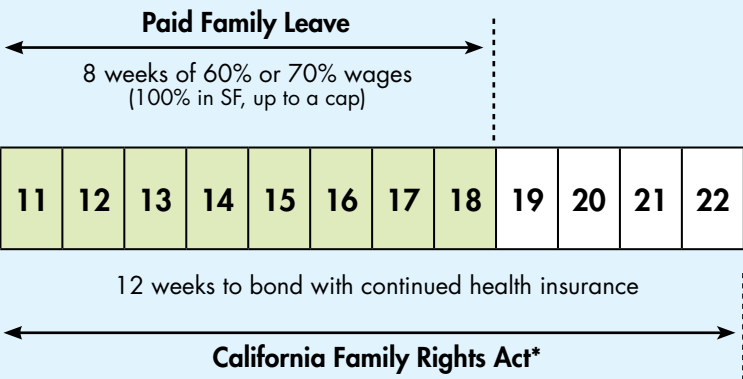
PARENTS WHO GIVE BIRTH



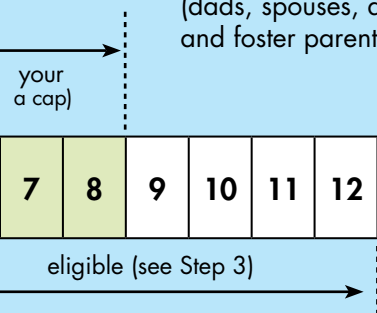
PARENTS WHO DON'T GIVE BIRTH



This timeline shows leave and pay for a typical pregnancy, recovery, and bonding period.



This timeline shows leave and pay for a partner or parent who does not give birth (dads, spouses, domestic partners, adoptive, and foster parents).



*If you also qualify for the federal Family & Medical Leave Act (FMLA), it will run at the same time as your leave under these state laws. It does not provide you with more leave.

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for additional information.