

December 6, 2012

New Pregnancy Disability Leave Regulations Take Effect December 30

California law requires employers with five or more employees to provide Pregnancy Disability Leave ("PDL") of up to four months for employees disabled by pregnancy, childbirth or related medical conditions. Amended PDL regulations, drafted by the California Fair Employment and Housing Commission, were approved on November 30, 2012 and will go into effect on December 30, 2012. The new rules contain a number of important clarifications and requirements regarding pregnancy disability leave. These include:

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- A change in how the "four months" of PDL is calculated for full-time and part-time employees;
- Details regarding the process employers must follow in accommodating leave and transfer requests;
- Specifying that the requirement to maintain health coverage during a PDL of up to four months is *in addition to* the requirement to maintain health coverage during a leave under the California Family Rights Act of up to 12 weeks.
- An expanded definition of "disabled by pregnancy" to include time off for: postnatal care; bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; post-partum depression; childbirth; loss or end of pregnancy; or recovery from childbirth, loss or end of pregnancy;
- Explaining that a "related medical condition" includes lactation-related medical conditions such as mastitis, and that a reasonable accommodation for an employee affected by pregnancy may include lactation accommodation pursuant to California Labor Code section 1030;
- Updates to the workplace posters (Notices "A" and "B") that notify employees of pregnancy disability leave rights.

The new regulations, available [here](#), contain useful guidance regarding the pregnancy disability leave process and are recommended reading for all employers. Employers are advised to review their leave policies and practices prior to the new year to ensure full compliance with the new provisions. For more details, you can access a complimentary



recorded version of Miller Law Group's recent webinar, "[Pregnancy and the Workplace](#)," which includes a detailed discussion of the new PDL regulations.

Miller Law Group exclusively represents business in all aspects of California employment law, specializing in litigation, risk management, wage and hour class actions, ERISA litigation, trials and appellate law. If you have questions about your workplace obligations, please contact Michele Ballard Miller (mbm@millerlawgroup.com) or Carolyn Rashby (cr@millerlawgroup.com), or call (415) 464-4300. To learn more about our firm, visit our website at www.millerlawgroup.com.

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