

YAKIMA COUNTY PREGNANCY LEAVE POLICY POLICY NO. HR-009

Policy Statement:

It is the policy of Yakima County to comply with provisions of the Family and Medical Leave Act of 1993 (FMLA), the Washington Family Leave Act of 2010 (FLA) (ch. 49.78 RCW), the Washington Administrative Code (WAC 162-30-020) regarding pregnancy, childbirth, and pregnancy related conditions, and the Washington State Law Against Discrimination (WLAD) for when a female employee has need to be absent from work due to pregnancy, birth of her child and/or care of the child during the year after birth.

Provisions of negotiated collective bargaining agreements (labor contracts) which conflict with this policy take precedence over this policy to the extent applicable.

Eligibility:

This policy applies only to female employees who have a need to be absent from work due to pregnancy, childbirth or care of the child after birth. Parental leave rights of a father, foster parent or adopting parent of a new child are separately covered in the Yakima County Family and Medical Leave Policy.

Coordination of Leave Benefits:

Yakima County shall review an employee's eligibility for rights under the following federal / state regulations and county policies:

1. **Pregnancy Disability Leave (WAC 162-30-020 and Washington State Law Against Discrimination):** means the period of time during which a female employee is unable to perform the functions of her job due to pregnancy related illness and/or recovery after the birth of her child.
2. **ADA Accommodation Policy (Policy No. HR-022):** means the period of time during which a female employee is unable to perform the functions of her job due to pregnancy related illness and/or recovery after the birth of her child.
3. **Family and Medical Leave (Family and Medical Leave Act of 1993) (Policy No. HR-008):** means the period of time during which the female employee qualifies for FMLA leave under the Yakima County Family and Medical Leave Policy for her own pregnancy related serious health condition or for care of her child after birth. (Limited to a total of 12 weeks in a 12 month period which may be reduced by FMLA leaves taken for other qualifying reasons.) Family and Medical Leave is limited to no more than 12 consecutive weeks and may be reduced by leave used by the employee's spouse who is also a Yakima County employee.

4. **Parental Leave (Washington State Family Leave Act of 2010):** means a period of absence from work to bond with and care for a newborn child. An employee who is the birth mother of a newborn child is entitled to twelve weeks Parental Leave in addition to time she is absent for Pregnancy Disability Leave. This leave must be taken within one year from date of birth. Parental leave is limited to no more than 12 consecutive weeks and may be reduced by leave used by the child's father who is also a Yakima County employee.
5. **Paid and Unpaid Leave:** All paid leave banks must be exhausted prior to use of unpaid leave. Refer to the following policies for order of leave used:
 - a. HR-029 Yakima County WA State Paid Sick Leave Policy
 - b. HR-012 Yakima County Leave of Absence Policy

Employee Status and Benefits During Leave:

While in paid status and/or covered by the FMLA or FLA, an employee's health benefits will be maintained to the same extent to which the employee would be otherwise entitled. After FMLA/FLA and County paid leave banks are exhausted, the employee will be offered health benefit continuation at her own expense during any unpaid leave covered under this policy and as allowed by the employee's health insurance carrier.

Intermittent Leave or a Reduced Work Schedule:

Leave under this policy shall be taken in a consecutive block of time up to the limits specified herein unless intermittent leave or a reduced schedule is certified as medically necessary by a health care provider. When not medically necessary, intermittent or reduced schedules shall require approval of the Department Head or Elected Official. The employee's benefits may be reduced according to applicable County policies.

Certification of a Serious Health Condition:

Medical certification from a health care provider shall be required upon request for pregnancy accommodation.

When the employee has a medical need for a reduced or intermittent leave schedule, certification from a health care provider shall be required. This certification must include a statement describing the schedule needed, the dates and duration of the reduced/intermittent schedule, and reason for the requested schedule.

Yakima County may require periodic medical re-certification for absence related to a disability that continues for more than 30 days. Yakima County may require a fitness for duty medical evaluation prior to the employee's return to work.

Procedure for Requesting Pregnancy Leave:

All employees requesting leave under this policy must submit the request in writing to their Department Head/Elected Official (or designee) with 30 days notice if possible. County FMLA request forms are available in Human Resources and they shall be used for Pregnancy Leave requests. In the absence of an employee request, the County may designate all or any portion of the period of pregnancy related absence as Pregnancy Disability Leave and/or Parental Leave.

Employees are required to make a reasonable effort to schedule medical appointments to minimize disruptions to department operations.

Adopted Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901