

Pregnancy & Maternity Leave

There are several laws which provide employees with protected leave from work during and after pregnancy. Under the [California Fair Employment and Housing Act](#) (which includes the [California Pregnancy Disability Leave Law](#)), it is unlawful for an employer of 5 or more persons to refuse to allow a female employee "disabled" by a pregnancy, childbirth or related medical conditions to take a leave for a reasonable period of time not to exceed 4 months. After the leave, the employee may return to the same position she had before or a comparable position. The employee may even be able to return to work after exceeding the 4 months if the employer has allowed other employees to do so. Under a California regulation, the employee who takes such leave may use any accrued vacation leave during this period of time. This leave of absence may not be taken before the disability begins or after it ends. The employer can require the employee to provide reasonable notice of the date the leave of absence will begin and its expected duration. The employer need not return the employee to her position if her position would have been eliminated regardless of the pregnancy or safety and efficiency would be compromised.

If the employee has worked for at least a year for an employer of 50 or more persons, the employee may take up to 12 additional weeks of leave under the California Family Rights Act. This leave is available for many purposes, including time to bond with a biological, adopted or foster child or to care for a seriously ill child. This law also requires reinstatement.

The leaves of absence described above are unpaid. However, an employee may be entitled to State Disability or Paid Family Leave, forms of government assistance.