

## **CALIFORNIA PREGNANCY DISABILITY LEAVE SUMMARY**

The California Fair Employment and Housing Act requires Sodexo to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time of up to four months and thereafter return to work to the same position she held before the leave, or, in limited circumstances, to a comparable position. All female employees are eligible regardless of length of service or number of hours worked.

### **Disabled by Pregnancy, Childbirth or Related Medical Conditions**

A woman is disabled by pregnancy if, in the opinion of her health care provider, she is unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of these functions without undue risk to herself, to her pregnancy's successful completion, or to other persons. An employee may also be considered to be disabled by pregnancy if, in the opinion of her health care provider, she is suffering from severe "morning sickness" or needs to take time off from work for prenatal or 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.

### **Four Months**

The four month leave allotment is measured by the number of days or hours the employee would normally work within four calendar months, which California defines as one-third of a year or 17 1/3 weeks. An employee who normally works 40 hours per week is entitled to 693 hours of leave (40 hours per week x 17 1/3 weeks). For employees who work more or less than 40 hours per week, or who work variable work schedules, the number of working days or hours that constitutes four months is calculated on a pro rata or proportional basis.

### **Method of Taking Leave**

An employee may take leave in blocks of time, intermittently, or through a reduced work schedule, if certified as medically necessary. Sodexo accounts for increments of intermittent leave in 30-minute increments. For an employee who needs intermittent or reduced schedule leave, Sodexo may require the employee to transfer temporarily to an available alternative position for which the employee is qualified that meets the needs of the employee. The alternative position must have the equivalent rate of pay and benefits.

### **Employee's Notice of Need for Leave; Medical Certification**

An employee must provide timely oral or written notice sufficient to make Sodexo aware that the employee needs pregnancy disability leave and, where practicable, the anticipated timing and duration of the leave. An employee must provide at least 30 days advance notice if the need for the leave is foreseeable. If 30 days advance notice is not practicable, because it is not known when leave will be required to begin, or because of a change in circumstances, a medical emergency, or other good cause, the employee must give notice as soon as practicable. Sodexo must respond to the leave request as soon as practicable and provide the employee with the appropriate leave packet. The employee must provide a completed medical

certification of the need for leave within 15 calendar days. If the employee fails to provide timely medical certification, Sodexo may delay the leave until the required certification is provided. As a condition of an employee's return to work from leave, Sodexo requires the employee to obtain a release to return to work from her health care provider stating that she is able to resume her original job duties.

### **Right to Reinstatement**

Sodexo must reinstate the employee to the exact same position the employee held before the leave. If the employee would not otherwise have been employed in her same position at the time reinstatement is requested for legitimate business reasons unrelated to the employee taking leave, such as a layoff pursuant to a unit closing, then Sodexo must reinstate the employee to a comparable position, unless Sodexo would not have offered a comparable position to the employee if she would have been at work, or there is no comparable position available within 60 days of the employee's scheduled date of reinstatement. A comparable position is one that is virtually identical to the employee's prior position with respect to pay, benefits, working conditions, and location.

### **Pay and Benefits**

Pregnancy disability leave is unpaid. An employee may elect to use any accrued paid time off for which the employee is eligible to receive pay during the leave. During the leave, Sodexo will maintain and pay for group health benefits at the same level and under the same conditions as active employees if the employee makes contributions.

### **Relationship Between Pregnancy Disability Leave and the FMLA and CFRA**

An employee's pregnancy disability is a "serious health condition" under the federal Family and Medical Leave Act. Therefore, if the employee is eligible for leave under the FMLA, Sodexo will count the employee's pregnancy disability leave against the 12 week FMLA leave entitlement. In contrast, an employee's pregnancy disability is not a "serious health condition" under the California Family Rights Act. Therefore, the pregnancy disability leave does not count against the 12 week CFRA leave entitlement. An employee who is eligible for leave under the CFRA may take up to 12 weeks of CFRA leave to care for her child after the birth. The maximum possible statutory leave entitlement for California employees who are eligible for CFRA leave, for both pregnancy disability leave and CFRA leave for reason of the birth of the child and/or the employee's own serious health condition, is the working days or hours in 29 1/3 workweeks.

### **Employer Notice**

Sodexo must give employees notice of their rights and obligations regarding pregnancy disability leave. The California DFEH Notice must be posted in a conspicuous place or places where employees congregate. Sodexo must also give an employee a copy of the notice as soon as practicable after the employee tells Sodexo of her pregnancy or sooner if the employee inquires about reasonable accommodation, transfer, or leave. Finally, Sodexo must distribute to all employees a copy of the Notice annually.