



Regional Transit Authority

Pregnancy Disability Leave

(HC12)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) provides female employees with job-protected, unpaid leave, up to four months, for disabilities relating to pregnancy, childbirth or related medical conditions (meaning a physical or mental condition intrinsic to pregnancy or childbirth).

PURPOSE

The agency also provides reasonable accommodations, to the extent required by law, for conditions related to pregnancy, childbirth or related medical conditions. In addition, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting a leave or reasonable accommodation should promptly notify Human Capital.

APPLICATION

All female RTA employees.

APPROVED:

ADOPTED: Board Chair

Chief Executive Officer

Effective Date: _____

Date of Last Review: _____



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1.0 GENERAL

For the purposes of leave under this policy, "four months" means the number of days the employee would normally work within four calendar months (one-third of a year equaling 17 1/3 weeks), if the leave is taken continuously, following the date the pregnancy leave commences.

The agency also provides reasonable accommodations, to the extent required by law, for conditions related to pregnancy, childbirth or related medical conditions. In addition, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting a leave or reasonable accommodation should promptly notify human resources/other job title.

2.0 ELIGIBILITY

Parenting Leave in Louisiana

The Family Medical Leave Act (FMLA) gives employees the right to take time off to bond with a new child as part of your total 12-week leave. Therefore, if you use, say, two weeks of FMLA leave during your pregnancy, you will have ten weeks left to use for parenting leave.

If you want to use your parenting leave under the FMLA a few weeks at a time or to work a part time schedule for a while, you must get permission from your supervisor. If your supervisor agrees to let you use your parenting leave intermittently, you must finish your time off within one year after the baby is born

If you are married to someone who works for the same agency, your employer can limit your total amount of FMLA leave for parenting to 12 weeks for both of you. (Note that this rule does not apply to unmarried couples.) However, whatever portion of your own 12 weeks of FMLA leave you do not use for parenting will still be available to you for other reasons, including your own serious health condition. Although some states have their own parental leave laws, Louisiana does not.

All employees who experience disabilities relating to pregnancy, childbirth or related medical conditions (meaning a physical or mental condition intrinsic to pregnancy or childbirth) may request leave or a reasonable accommodation under this policy.



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Use of accrued paid leave

Accrued paid sick leave must be used concurrently with leave taken under this policy. If other benefits have begun, the employee may choose to supplement those benefits with accrued paid sick leave. Paid sick leave and other benefits combined may not exceed 100% of regular pay.

Additionally, employees may choose to use accrued paid leave (such as vacation or paid time off), concurrently with some or all of the leave under this policy. To receive paid leave, eligible employees must comply with the agency's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice). If other benefits are being paid, accrued paid leave and other payments combined may not exceed 100% of pay.

Maintenance of health benefits

If employees and their families participate in the RTA's group health plan, the agency will maintain coverage during leave under this policy on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their shares of health plan premiums while on leave. In some instances, the agency may recover premiums it paid to maintain health coverage or other benefits for employees and their families. Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable plan document for information regarding eligibility, coverage and benefits.

Procedures

When seeking leave or a reasonable accommodation under this policy, an employee must provide human capital department with the following:

- As soon as practicable and if possible prior to commencing leave, a statement from his or her health care provider supporting the request for leave or reasonable accommodation. The statement should confirm that the requested leave or reasonable accommodation is based on a pregnancy-related disability, and if the statement is provided in support of a leave request, the statement should include an anticipated start and end date. An employee must also supply periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
- If the RTA requires a fitness-for-duty certification for other disability leaves:
 - Upon return from leave, medical certification of fitness for duty before returning to work. The agency will require this certification to address whether employees can perform the essential functions of their positions.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

Employer Responsibilities



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To the extent required by law, the RTA will inform employees whether they are eligible for leave under this policy. Should employees be eligible for leave, the agency will provide eligible employees with a notice that specifies any additional information required, as well as their rights and responsibilities.

As detailed in the Louisiana Family Rights Act -Family and Medical Leave Act (FMLA) Policy, the agency will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlements. If employees are not eligible for FMLA leave, the agency will provide a reason for the ineligibility.

Additionally, the agency will engage in an interactive process with employees who request a reasonable accommodation under this policy.

Job restoration

Upon returning from leave, employees will typically be restored to their original positions or to equivalent positions with equivalent pay, benefits, and other employment terms and conditions.

Failure to return after leave

If an employee fails to return to work as scheduled after leave under this policy, or if an employee exceeds the leave entitlement, the employee will be subject to the RTA's other applicable leave of absence, accommodation and attendance policies. This may result in termination if the employee has no other agency-provided leave available to her that applies to the continued absence.

For more information regarding leave under this policy employee should contact the Human Capital Department.

3.0 FLOWCHART

N/A

4.0 REFERENCES

N/A

5.0 PROCEDURE HISTORY

N/A

6.0 SPONSOR DEPARTMENT

Human Capital