



**eUpdate (October 2011)**

## **New Pregnancy Leave Legislation**

The new legislation, effective January 1, 2012, prohibits any employer from refusing to maintain health coverage for an employee on a statutorily protected pregnancy leave of up to four (4) months. The employer will be required to pay the premiums normally paid by the employer under the same conditions as if the employee was working. Unlike a similar provision under the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) which apply only to employers with 50 or more employees, these changes to the California Pregnancy Disability Leave Law apply to all employers with five (5) or more employees. Additionally, employers with more than 50 employees will be required to pay for health insurance coverage for up to four (4) months if the employee is disabled by the pregnancy, as compared to the current 12-week requirement under the FMLA.

This new legislation applies only to California Pregnancy Disability Leave so an employee who has been released by her doctor to return to work but chooses to take additional leave to bond with her baby or takes leave under the FMLA or CFRA for another reason would not be eligible for additional payments of insurance premiums by the employer if she has already had 12 weeks of coverage paid by the employer during FMLA or CFRA leave.

For additional assistance with particular situations, please contact Jeanne Flaherty at 805-499-2918 or [jflaherty@eladvisor.com](mailto:jflaherty@eladvisor.com).

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