

## **Personnel Rule 7.2 – Pregnancy Disability Leave**

### **7.2.0 Authority**

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-Making Authority

SMC 4.10 and subsequent revisions thereto, Limited Duty Assignments—Pregnancy

SMC 4.20.060 and subsequent revisions thereto, Credit for Unpaid Absences

RCW 49.60.180, Unfair practices of employers

WAC 162-30-020, Pregnancy, childbirth, and pregnancy-related conditions

### **7.2.1 Definitions**

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
- B. "Equivalent position" shall mean a position in which the employee enjoys the same status, seniority, rate of pay and benefits.
- C. "Limited duty assignment" shall mean a temporary alternative or modified body of work for which the employee is qualified and the department has a need.
- D. "Seattle Human Resources Director" shall mean the head of the Seattle Department of Human Resources or his or her designated management representative.
- E. "Probationary employee" shall mean an employee who has been appointed to a position within the classified service but who has not completed a 1-year period of probation.
- F. "Regularly appointed employee" shall mean an individual with a probationary, regular or exempt appointment to a position of City employment.
- G. "Seniority" shall mean a regular employee's length of continuous service in his or her current classification and all higher classifications since original appointment to that classification, excluding any break in service occasioned by a quit, resignation, retirement or discharge.

### **7.2.2 Application of this Rule**

- A. The provisions of this Rule apply to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with

- the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes pregnancy disability leave provisions that conflict with this Rule.
  - D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
  - E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

### **7.2.3 Pregnancy Disability Leave**

An employee may take an unpaid pregnancy disability leave of absence for the actual period of sickness or temporary disability related to pregnancy or childbirth, following the use of her accumulated sick leave. Pregnancy disability leave must be granted in addition to the employee's entitlement to Family and Medical Leave if she so chooses.

- A. The employee shall notify her appointing authority at the earliest possible date of the need for pregnancy disability leave. Notification shall include a certification from the employee's health care provider outlining the medical necessity for pregnancy disability leave and estimating the duration of the leave.
- B. If the employee's need for pregnancy disability leave extends beyond the date originally estimated by the health care provider, her request for an extension shall be supported by a certification from the health care provider explaining the medical necessity for such extension and estimating the expected duration.
- C. Upon return from pregnancy disability leave, an employee shall be reinstated to the same or equivalent position from which she took the leave, except that her right to reinstatement is no greater than if she had been actively working. An employee who takes additional paid leave or unpaid leave after pregnancy disability leave and prior to returning to work is subject to the reinstatement provisions of those leave programs.
- D. An employee who fails to return to work from pregnancy disability leave and who does not qualify for or is not granted additional leave by her appointing authority shall be treated as a voluntary quit. The appointing authority will provide the employee written notice via personal delivery or certified mail of this intended personnel action. If the employee fails to respond to the notice within five business days of the notice being sent, the personnel action will be final on the date the pregnancy disability leave was scheduled to end.

### **7.2.4 Limited Duty Assignment**

The appointing authority or designated management representative may provide a temporary limited duty assignment for an employee who wants to continue working prior to or instead of taking pregnancy disability leave, but who is unable to perform the full duties of her position in a safe and satisfactory manner. A limited duty assignment made under this Rule shall not constitute a promotion. An employee's compensation shall not be reduced for the first 60 calendar days of a limited duty assignment. Thereafter, compensation for a limited duty assignment shall be in accordance with step placement rules for the compensation program that governs the classification or title of the limited duty assignment.

### **7.2.5 Effect of Unpaid Leave on Service Credit**

- A. An employee who takes unpaid leave of absence authorized under Personnel Rule 7.1, Family and Medical Leave; Personnel Rule 7.2, Pregnancy Disability Leave and Limited Duty Assignment; Personnel Rule 7.3, Leave of Absence; or Personnel Rule 7.4, Sabbatical Leave shall have any period(s) of unpaid leave deducted from his or her service credit for purposes of calculating seniority for layoff.
- B. A probationary employee who takes unpaid leave of absence authorized under Personnel Rule 7.1, Family and Medical Leave; Personnel Rule 7.2, Pregnancy Disability Leave and Limited Duty Assignment; Personnel Rule 7.3, Leave of Absence; or Personnel Rule 7.4, Sabbatical Leave, or who takes paid leave authorized under Personnel Rule 7.6, Vacation; Personnel Rule 7.8, Sick Leave and Sick Leave Transfer; or Personnel Rule 7.9, Funeral Leave shall have his or her probationary period adjusted for any period(s) of absence in excess of 30 working days.
- C. An employee who takes unpaid leave of absence authorized under Personnel Rule 7.2, Pregnancy Disability Leave and Limited Duty Assignment; Personnel Rule 7.3, Leave of Absence; or Personnel Rule 7.4, Sabbatical Leave shall have any period(s) of absence deducted from his or her service credit for purposes of calculating retirement eligibility and benefit, if applicable.
- D. An employee who takes unpaid leave of absence authorized under Personnel Rule 7.1, Family and Medical Leave; Personnel Rule 7.2, Pregnancy Disability Leave and Limited Duty Assignment; Personnel Rule 7.3, Leave of Absence; or Personnel Rule 7.4, Sabbatical Leave shall have his or her next salary increment date adjusted for any period(s) of absence in excess of the equivalent of 240 regular pay hours.

### **7.2.6 Unpaid Leave Limitations**

No period of unpaid leave or combination of unpaid leaves granted under Personnel Rule 7.1, Family and Medical Leave; Personnel Rule 7.2, Pregnancy Disability Leave and Limited Duty Assignment; Personnel Rule 7.3, Leave of Absence; or Personnel Rule 7.4, Sabbatical Leave shall exceed 12 months except with the prior approval of the appointing authority and the Seattle Human Resources Director.