

ARTICLE 32

Maternity-Related Pregnancy Disability Leaves of Absences and other Temporary Disability Leaves

32.0 Leave for Disability Due to Pregnancy and Childbirth

A. Definition of Pregnancy Disability

An inability to perform duties because of pregnancy, miscarriage, childbirth and recovery therefrom and/or other disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom.

B. The Board of Trustees shall provide for a leave of absence for any member who is required to be absent from duties because of pregnancy disability. Pregnancy disabilities, for all job related purposes, are temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.

32.1 ~~Disability Due to Pregnancy and Childbirth~~ Length of Pregnancy Disability Leave

The length of the leave of absence, including the date on which the leave shall commence and the date on which the member shall resume duties, shall be determined by the member and the member's physician. ~~A regular/contract member may use sick leave if physically disabled and unable to render service to the District as a direct result of pregnancy, miscarriage, childbirth and/or recovery, as verified by a physician. The member will~~ shall notify the President or designee thirty (30) days prior to the leave date or as soon as possible under emergency conditions.

32.2 Compensation During Pregnancy Disability Leave

Leaves of absence for pregnancy disability shall be treated the same as leaves for illness, injury or disability; ~~The use of sick leave for pregnancy disability shall be treated the same as any other disability for which sick leave is granted.~~ therefore, ¶the member is entitled to use accumulated sick leave per Article 30 and shall receive all benefits normally accruing to the member, just as if the member were performing her full duties. ~~retain District-paid benefits while on pregnancy disability.~~ In addition, the member may also elect to receive substitute-differential pay (the difference between the member's pay and the amount paid the substitute) as provided in Article 30.11 for extended illness leave.

32.3 Length of leave will be for the period of actual disability, as determined by the physician. ~~The President or designee may require the physicians' statement to be updated upon request. At the time of leave, the member will~~ shall provide the

President or designee ~~of the college~~ a statement of disability. The President ~~will~~ **shall** provide a copy to the **Associate Vice-Chancellor** ~~Director~~ of Human Resources within a five (5) day period.

- 32.4 In order to use sick leave for pregnancy disability, the member must have been rendering paid service to the District and must not have been on any unpaid leave immediately preceding the disability.
- 32.5 Prior to returning to work, ~~as a result of the temporary disability,~~ the member may be required to provide the President or designee a physician's verification that the member is physically able to render full and complete service to the District.
- 32.1 A member may extend ~~maternity~~ **pregnancy disability** leave beyond the leave recommended by the physician through the use of banked leave for the duration of the semester **or leave without pay per Article 44.** The member ~~will~~ **shall** notify the President or designee thirty (30) days prior to the leave date or as soon as possible under emergency conditions.

Education Code Section 87766