

# NEW CASTLE COUNTY

## PERSONNEL POLICY

<b>NUMBER</b>	3.05
<b>PAGE</b>	1 of 3
<b>DATE</b>	05/01/01

**SUBJECT:** SHORT TERM DISABILITY RELATED TO PREGNANCY AND CHILDBIRTH

**APPROVED:**



**OBJECTIVE:** To further define and explain the method by which an employee requests leave resulting from pregnancy and childbirth related disability.

**STATEMENT:** Leaves of absence for maternity purposes are granted to provide an employee with a reasonable pre-delivery and post-partum period when the employee may not be physically able to work. Because it has been determined that pregnancy is considered a disability from the time the expectant employee's doctor states that the employee is unable to continue working until such time as the attending physician certifies that the employee is able to work (normally after the six week post-partum check up), sick leave is used to cover this period. Should the employee not have enough sick leave to cover the entire absence, the employee may elect to utilize vacation leave or go on unpaid leave status. Should the employee have enough sick leave to cover the period of disability, the employee must return to work or request either vacation or unpaid leave beginning the first regular work day following the six week post-partum check up. Should the employee experience complications due to pregnancy and/or childbirth, the use of paid sick leave may continue beyond the normal post-partum period. To continue the use of paid sick leave, the employee must provide a written statement from the doctor confirming the employee's inability to work. The Family and Medical Leave Policy 3.15 and the Leave of Absence Policy 3.01 should be cross referenced when reviewing and implementing this policy.

**Procedure:** It is the responsibility of the employee to do the following:

1. Submit a written statement to the general manager or row officer requesting to begin maternity absence when the employee has been advised to discontinue working by her physician. This request should include the following information:
  - (a) The beginning date of the absence.
  - (b) A statement from the attending physician confirming the confinement date and the date that the employee should stop working.
  - (c) How the absence should be charged, including the use of vacation or unpaid leave if the employee does not have enough sick leave to cover the period of disability through the six-week, post-partum check up.
  - (d) The expected date of return to work.
2. Notify her department or row office of the actual delivery date after it has occurred and the date of the post-partum check up so that the employee can be charged sick, vacation or be placed on an unpaid leave of absence in accordance with the employee's request.

It is the responsibility of the employee's department or row office to keep the Office of Human Resources informed.

**NOTE:** An employee cannot go on an unpaid leave of absence prior to the post-partum check up unless the employee has exhausted all sick leave. Utilizing vacation is not required; however, the employee may elect to do so if sick leave has been exhausted. Under no circumstances can an employee use sick leave after the date of the post-partum check up unless complications resulting from the pregnancy or childbirth are confirmed by the employee's physician.

In the event an employee has requested to utilize sick and/or vacation and later decides to be placed on an unpaid leave (following the maternity absence), such a request must be made no later than two weeks prior to the original expected date of return to work. If the employee utilizes unpaid leave for any portion or all of the absence due to maternity and/or childbirth, then the procedures on the policy covering leaves of absence without pay shall apply.

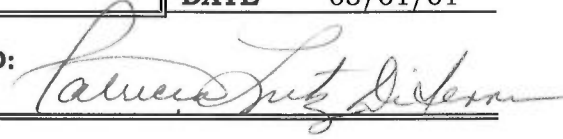
# NEW CASTLE COUNTY

## PERSONNEL POLICY

<b>NUMBER</b>	3.05
<b>PAGE</b>	2 of 3
<b>DATE</b>	05/01/01

**SUBJECT:** SHORT TERM DISABILITY RELATED TO PREGNANCY AND CHILDBIRTH

**APPROVED:**



Benefit Status -- For administrative purposes, an employee will not be placed in a non-active payroll status if the length of the unpaid leave is 30 calendar days or less. For such short-term leaves, the payroll processor should mark the time entry reports as "no pay." All employee benefits will continue for these periods, except that the employee will not receive sick leave credit for any month(s) in which the employee did not complete/ a full month of service.

For unpaid leaves in excess of 30 calendar days, the employee will be placed on non-active payroll status and benefits will be affected as follows:

1. Health Insurance -- This benefit will terminate effective the first day of the month following the beginning of the leave, unless the leave begins on the first day of a month, in which case coverage will cease immediately. Upon notification to the Pension and Benefits Section, coverage will be picked up on the first day of the next month following the employee's return to work. If the employee returns to work on the first day of the month, coverage will be picked up immediately. The employee may elect to continue health insurance coverage under the County group premium by making arrangements to pay for this coverage through the Pension and Benefits Section.
2. Life Insurance -- This benefit will terminate immediately when the unpaid leave begins and will resume on the day the employee returns to work.
3. Pension -- The employee will not accrue service credit for pension benefits during the period of the unpaid leave.
4. Adjusted Pension Service Date -- Upon return from leave, the pension service date will be adjusted to reflect the length of the leave.
5. Sick Leave -- Sick leave will not accumulate during the period of the unpaid leave.
6. Vacation Credit -- The employee will not be credited for vacation vesting purposes for those months, or parts thereof, that the employee is on an unpaid leave of absence.
7. Vacation Service Date -- Upon an employee's return from an unpaid leave, the employee's vacation service date will be adjusted to reflect the length of the employee's absence on unpaid leave.
8. Anniversary Date -- Upon an employee's return from an unpaid leave of absence, the employee's anniversary date will be adjusted forward to the exact number of days equal to the length of the unpaid leave.
9. Performance Review Date -- Upon an employee's return from an unpaid leave of absence, the employee's performance review date will be adjusted to a date exactly four months prior to the new anniversary date. Any performance evaluation which may be due at the time of the employee's return to work, or shortly thereafter, shall be delayed for 30 days after the employee returns to work. Likewise, any merit increase scheduled shortly after an employee returns to work shall be delayed until the receipt of a satisfactory evaluation. If the evaluation is satisfactory, the merit increase is delayed to the date of the evaluation.
10. Personal Leave Days (Local 459) -- For an employee covered by the Local 459 collective bargaining agreement, any leave without pay will be counted as an absence for the purpose of determining eligibility for personal leave days in accordance with that agreement.

# NEW CASTLE COUNTY

## PERSONNEL POLICY

<b>NUMBER</b>	3.05
<b>PAGE</b>	3 of 3
<b>DATE</b>	05/01/01

**SUBJECT:** SHORT TERM DISABILITY RELATED TO PREGNANCY AND CHILDBIRTH

**APPROVED:**



11. Holiday Pay -- Employees on unpaid leave shall not receive holiday pay while on an unpaid leave of absence. If the first day of an unpaid leave follows a holiday or if the last day of the unpaid leave precedes a holiday, the employee shall not be paid for the holiday in accordance with the various collective bargaining agreements, should the employee be covered by one of these agreements. If the employee is not covered by a collective bargaining agreement, the payment for a holiday (preceding or following an unpaid leave) will be at the discretion of the employee's departmental general manager or row officer.
12. Seniority -- Seniority will continue to accumulate.

Early Return From Leave: Should an employee who is on an unpaid leave desire to return to work sooner than previously requested, the employee must request in writing to return to work no less than three weeks prior to the revised date of return. The employee's department or row office will consider this request, consult with the Office of Human Resources and determine whether the employee's early return is appropriate to the needs of the department or row office. The Office of Human Resources will advise the employee whether or not the request is approved.

Extending a Leave: Should an employee who is on an unpaid leave desire to extend the length of the unpaid leave (in any case no longer than a total of two years), the employee must make this request no less than three weeks prior to the original date of return to work. This request must be made, in writing, through the general manager or row officer to the Chief Human Resources Officer and must receive approval of the County Executive. The Human Resources Division will advise the employee whether or not the request is approved.

The employee will not receive credit for sick or for vacation vesting purposes for any months, or portions of months, that the employee was on an unpaid leave. At the time of the vacation vesting update, the Human Resources Division will notify the employee of the number of days of vacation for which the employee is eligible, if the vacation is less than what would have been received had the employee not been on a leave of absence.

It is the responsibility of the employee to report to the Pension and Benefits Section to reactivate any benefit coverage which may have terminated when the leave of absence commenced.

**REQUIRED ACTION:** The Chief Human Resources Officer and the department general managers and row officers shall be responsible for the implementation of and compliance with this policy.

Established: 07/14/87  
Revised: 01/01/96  
Revised: 07/01/97  
Revised: 05/01/01