

**YOUTH SERVICES
POLICY**

Title: Leave for Maternity	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.73
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References: Louisiana Revised Statutes 23:341 et seq.; Family and Medical Leave Act of 1993 (FMLA) and YS Policy Nos. A.2.5 “Family and Medical Leave of Absence” and A.2.28 “Return to Work”	
STATUS: Approved	
Approved By: <i>William A. Sommers, Deputy Secretary</i>	Date of Approval: 09/21/2021

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To provide guidance relative to female employees who are absent from work due to pregnancy, childbirth, or related medical conditions.

III. APPLICABILITY:

This policy applies to all YS employees.

Unit Heads are responsible for ensuring that all necessary procedures are in place to comply with the provisions of this policy.

Supervisors/Managers are responsible for ensuring that appropriate documentation is forwarded to the Unit’s Human Resources (HR) Liaison and preserving the confidentiality of this information when it’s distributed.

Employees are responsible for providing their immediate supervisor with advance notice when the need for maternity leave is foreseeable, completing the appropriate documentation when the leave is FMLA qualifying, and providing their immediate supervisor and/or HR Liaison with any required documentation.

IV. DEFINITIONS:

Equivalent Position – An equivalent position has the same pay, benefits and working conditions, including privileges and status. Intangible, immeasurable aspects of the job (i.e., the perceived loss of potential for future promotional

opportunities) are not guaranteed. Equivalent positions will be at the same or a geographically proximate work site as that to which the employee had previously been assigned.

Essential Functions Form (EFF) – A form generated by YS’ Human Resources (HR) Liaisons that lists the fundamental job duties of a position. Before an applicant can be hired and before an employee can return to work after an illness or injury, they must have the EFF filled out completely and signed by their physician of choice. Each time an employee is required to provide a medical certification form by this policy or by YS Policy No. A.2.5, a current EFF must be provided.

FMLA – Family and Medical Leave Act of 1993, as amended in 2008, 2010, 2013 and 2019.

Unit’s HR Liaison – The staff person designated by the Unit Head with the responsibility for collecting and retaining documents pertaining to the employee’s personnel records.

V. POLICY:

It is the Deputy Secretary’s policy to ensure that female employees are eligible for maternity leave and will be treated as any other employee who is otherwise temporarily disabled.

VI. PROCEDURES:

A. Notice from Employee of Need for Maternity Leave

An eligible female employee should provide her immediate supervisor with as much notice as possible of her anticipated dates of absence due to maternity. When the leave is foreseeable, an employee must provide at least 30 days advance written notice if possible. If the 30 days advance notice is not possible, the employee must notify her immediate supervisor within two (2) working days of learning of the need for leave.

Completing the leave request screen in LEO or the hardcopy “SF-6 Application for Leave” (leave slip) will serve as written notice.

B. Normal Pregnancy

1. Leave Eligibility for a Non-FMLA Employee

A non-FMLA female employee is eligible for up to six (6) weeks of job-protected maternity leave. All available balances of applicable paid

leave (compensatory, sick, or annual leave) must be used while absent during the six (6) week period. When all available paid leave is exhausted, the employee will be placed on leave without pay for the remainder of the applicable period.

2. Leave Eligibility for a FMLA Qualifying Employee

An FMLA qualifying female is eligible for up to twelve (12) weeks of job-protected maternity leave as more fully described in *YS Policy A.2.5: Family and Medical Leave of Absence*. All available balances of applicable paid leave (compensatory, sick, or annual leave) must be used while absent for an FMLA eligible event. When all available paid leave is exhausted, the employee will be placed on leave without pay for the remainder of the applicable period. The employee will be required to complete the appropriate FMLA forms which can be obtained from the Unit's HR Liaison or OJJ's website at www.ojj.la.gov.

C. Medical Complications During Pregnancy (Non-FMLA or FMLA Qualifying Employee)

If there is a medical complication as a result of the pregnancy, a female employee is entitled to a maximum of four (4) months of maternity leave. This runs concurrently with the amount of leave designated for a normal pregnancy. All available balances of applicable paid leave (compensatory, sick, or annual leave) must be used during this time period. When all available paid leave is exhausted, the employee will be placed on leave without pay.

Example: If an employee is on bed rest for two (2) months preceding the delivery, the employee will be allowed a maximum of two (2) additional months of job protected leave after the birth of the child, in accordance with Louisiana law.

D. Healthcare Provider's Certification

1. Non-FMLA Employee (Normal Pregnancy)

Non-FMLA female employees experiencing a pregnancy without medical complications shall be allowed to utilize up to six (6) weeks of sick leave following delivery without having to submit a certification from their healthcare provider.

However, pursuant to YS Policy A.2.28, female employees are required to provide a medical certification form from a healthcare provider and a

completed Essential Functions Form (EFF) stipulating that they are able to perform the essential functions of their position prior to returning to work.

2. FMLA Qualifying Employee (Normal Pregnancy)

FMLA qualifying female employees experiencing a pregnancy without complications should refer to YS Policy A.2.5 for the terms of leave following delivery.

3. Medical Complications During Pregnancy

If it is necessary for a female employee to be absent from work due to medical complications due to pregnancy which exceeds the time period allowed for a normal pregnancy, a medical certification form completed by their healthcare provider must be submitted verifying the employee's inability to return to work due to medical conditions. The employee is required to submit a medical certification of continued disability once every 30 days of their disability.

Pursuant to YS Policy A.2.28, female employees are required to provide a medical certification form from a healthcare provider and a completed Essential Functions Form (EFF) stipulating that they are able to perform the essential functions of their position prior to returning to work.

E. Employment Status Upon Returning from Maternity Leave

Employees returning from maternity leave will be reinstated to the same or an equivalent position with the same pay, benefits, terms and conditions of employment, unless the employee is unable to perform the essential functions of the position upon returning because of physical or mental condition including the continuation of a serious health condition.

Previous Regulation/Policy Number: A.2.73

Previous Effective Date: 06/26/2018

Attachments/References: