



Various Changes Benefiting Pregnant Employees Three new pieces of legislation will have direct benefit to pregnant employees in California.

SB 299 covers “Group Health Plan for Employees on Pregnancy Disability Leave”

This significant change to pregnancy-disability leave requires employers with 5 or more employees to maintain and pay for health insurance coverage for female employees who take pregnancy disability leave up to a maximum of four months. This extends the requirement for those employers subject to FMLA/CFRA from three months of medical coverage to four months.

There are many significant aspects to this change and necessary process changes in managing leaves. Under Family Medical leave Act (FMLA) and the California Family Rights Act (CFRA) eligible employees are entitled to up to 12 weeks of group coverage during a protected leave. Previous law mandated only that employers cover pregnant employees in the same manner they covered other employees temporarily disabled.

Under SB299 employers must cover pregnant employees under the group plan for 4 months and then may offer COBRA if the employee has not returned to work. The coverage is employer paid, and the employee must be covered as when actively employed and at work. If the employee shares in the premium, the employee will continue to do so while on leave. The coverage is effective from date of hire, there is no 1 year eligibility period as under the FMLA/CFRA.

Here is a typical scenario; a newly hired employee is eligible for the company group coverage plan. She announces a pregnancy and must be covered under the group plan for

up to 4 months – then when she becomes FMLA/CFRA eligible by completing one year of service, she is entitled to 12 weeks of group under FMLA/CFRA, as if actively employed. Failure or refusal to provide group coverage for eligible employees may be considered harassment based on pregnancy. Employers have limited right to seek recovery of premiums paid on behalf of employees on pregnancy disability leave who fail to return to work.

AB 210 “Group Health Insurance Must Cover Maternity Services”

This assembly bill amended the insurance code. Effective July 1, 2012, every group health insurance policy must provide coverage for maternity services for all covered under the plan.

Finally, employers may not interfere in an employee’s rights under leave laws.

AB 592 “Interference with Rights Under Leave Laws”

Language was added the California Family Rights Act (CFRA) and Pregnancy Disability Leave law (PDL) which expressly makes it unlawful for an employer to interfere with or in any way restrain an employee from exercising their rights under these leave laws.

Prohibition against interference is already included in the FMLA. Leaves are complicated. They get more complicated with each variable added. Employers should seek guidance from a qualified labor attorney or a certified HR professional in administering their leaves. We suggest employers have a leave process and follow the process for every leave where it is CFRA/FMLA/PDL or Medical Leave qualified. To learn more, contact the HR professionals at MyOHR. www.MyOHR.com

These articles should not be construed as legal advice or as pertaining to specific situations. Consult with your legal counsel for further information.

MyOHR provides key Human Resources consulting and support for small, emerging and mid-size companies. Focusing on Human Resource Legal Compliance, MyOHR assists business in achieving operational efficiency by providing the infrastructure necessary to manage the workforce in compliance with State and Federal requirements. MyOHR is cost effective for companies that have not budgeted for a full-time HR position. Contact Jaime Orendac, SPHR-CA at JaimeO@MyOHR.com.

Stay "In The Know" in 2012 – Educational Seminars

We have a variety of educational seminars planned for 2012. Some will be live from the office of our partner in Campbell. Others will be conducted using "Go To Meeting" web conferencing.

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December Educational Session

OHR's Quarterly Harassment Prevention Training for Managers -- As a service to your business we have a quarterly Harassment Prevention Training. Those sessions occur each quarter on the last Thursday of the month at 1:00 PM. Mark your calendars for March, June, September and December. We also do individual sessions for your offices, including Managers and Supervisors and non supervisory employees.

The next OHR Harassment Prevention Training for Managers session is scheduled for **Thursday, December 15th at 1:00 pm** in Campbell, CA. This is a live training presentation. To register please RSVP for the live session at [Harassment Prevention Training](#)

January Educational Session

2012 Legal Update -- Join us on Thursday, January 26th for an update on Labor laws for 2012. This session will help you get the jump on the new issues. [2012 Webinar Labor Law](#)

February Educational Session

DOL Audit -- Join us on Thursday, February 23rd for a session with Lisa Klinger of Leavitt Business Solutions on the topic of "How to Plan for a Department of Labor Audit".
[DOL Audit Webinar](#)

March Educational Sessions

OHR's Quarterly Harassment Prevention Training for Managers -- The next OHR Harassment Prevention Training for Managers session is scheduled for **Thursday, March 29th at 1:00 pm** in Campbell, CA. This is a live training presentation. To register please RSVP for the live session at [Harassment Prevention Training](#)

Strategies for Preventing Workplace Violence

On Thursday, March 29th, join us for a discussion on Workplace Violence Policies with Mike Regan.
[Workplace Violence Webinar](#)