

CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM No. 33 (R)

June 6, 2005

TO: All Departments, Boards, Agencies and Commissions
FROM: Charles L. Rice, Jr., Chief Administrative Officer
SUBJECT: MATERNITY LEAVE

I. PURPOSE.

This policy memorandum amends the guidelines and procedures for employees requesting maternity leave due to medical incapacitation related to pregnancy or childbirth. These guidelines and procedures were established in accordance with the Pregnancy Discrimination Act, an amendment to the Title VII of the Civil Rights Acts of 1964. The Louisiana Revised Statute (R.S. 23:342), and Civil Service Rule WVIII, Section 9.1.

II. SCOPE.

This policy shall extend to all full-time probationary and permanent employees who are pregnant during their employment with the City of New Orleans and who either qualify for protected leave under the provisions of the Family and Medical Leave Act or who require additional time beyond the twelve week period provided under the aforementioned Federal Act. These provisions offer job and benefit protections only for the period of time the employee is medically incapable of working due to pregnancy or complications associated with a pregnancy.

III. RESPONSIBILITIES OF EMPLOYEES.

- A. An employee must notify an Appointing Authority at least thirty (30) days before going on leave unless unusual medical circumstances are present.
- B. An employee must provide medical certification from a physician to support the request for leave or to request a light duty position, if available, as noted below.
 - 1. The medical certification must be prepared on official letterhead or prescription paper imprinted with the name of the doctor, address and the telephone number of the doctor's office.
 - 2. The certification shall contain the employee's name, an explanation that the employee is incapacitated due to maternity

reasons, and (1) provide the date that the maternity leave is to begin, (2) expected delivery date, and (3) an estimate of the period of incapacitation related to pregnancy and childbirth, including a date the employee may be able to return to work.

Note: If the leave request is beyond 30 days; a status report must be given to the Appointing Authority every 30 days.

- C. The employee shall provide a breakdown of the type(s) of leave requested for the requested time period in order to obtain approval from her appointing authority. An employee may elect to use a combination of leave including leave without pay, sick leave and annual leave.
- D. An employee may not return to work unless the employee submits a return-to-work statement authorized in writing by a physician. The return-to-work statement must affirm that the employee is able to perform the essential functions of her job.
- E. If an employee is on leave without pay, the employee must make arrangements to pay all applicable healthcare premiums and pension contributions to the respective offices.

IV. RESPONSIBILITY OF APPOINTING AUTHORITIES.

- A. Ensure employees are well informed of the provisions of the Family and Medical Leave Act.
- B. The Appointing Authority should consider whether the leave request is FMLA qualifying. If it is FMLA qualifying, then the appointing authority must give the employee written notice that the leave will be considered FMLA with two business days. Once FMLA leave is taken, the Appointing Authority must notify the employee in writing the date of the conclusion of FMLA qualifying leave period.
- C. Appointing authorities or their representatives should ensure that proper documentation is supplied by the employee requesting the leave before approval is given.
- D. Maternity Leave may be authorized for a period of up to six months depending on medical necessity. Any requests for leave under these provisions must be substantiated by the employee's attending physician and may commence any time prior to the date of expectancy.
- E. Review any employee's request for accommodation to transfer to a less strenuous or hazardous position for the duration of the pregnancy if recommended by a physician.

- F. An employee on approved Maternity leave shall be reinstated to her former position or to a comparable position upon return to work.
- G. The proper personnel actions (Maternity leave with pay or Maternity leave without pay) should be placed in the Human resource System to reflect the employee's leave of absence from work. An additional personnel action should be completed when the employee returns from the leave of absence.
- H. The employee's medical documentation should be kept in a separate confidential medical file.

V. **ADDITIONAL INFORMATION.**

1. The City of New Orleans will maintain its contribution toward medical coverage for up to the 12 weeks of paid FMLA leave at the same level as if the employee were actively at work. However, employee contributions are required during any period of LWOP and remain the employee's responsibility for payment. At the employee's option, payment may be made either in a lump sum in advance or monthly during the leave. Any questions regarding health care coverage should be directed to the Hospitalization Division of the Chief Administrative Office at (504) 658-8615.
2. Contributions for the pension plan will continue to be made during periods of paid leave but will not be made periods of unpaid leave. Employees should contact their respective Retirement System to make arrangements to pay missed contributions. Any questions regarding pension contributions should be directed to the applicable retirement system (Municipal Employees Retirement System at (504) 658-1850; Fire Pension System at (504) 821-4671 or Police Pension System at (800) 443-4248).
3. In accordance with Civil Service Rule VIII, Section 1.1, (e), "no annual leave shall accrue to an employee during any bi-weekly period, or part thereof, in which an employee is on leave without pay".

VI. **INQUIRIES.**

Questions concerning this memorandum and classified employees may be addressed to the Classification and Compensation Division of the Department of Civil Service at (504) 658-3511. Questions concerning unclassified employees should be addressed to the Chief Administrative office at (504) 658-8611.