


**COUNCILMEMBER CHRISTOPHER WARD
THIRD COUNCIL DISTRICT**

M E M O R A N D U M

DATE: June 24, 2019
TO: Kris Michell, Chief Operating Officer
FROM: Councilmember Christopher Ward 
SUBJECT: Pregnancy Leave – Employee Long Term Disability Income Plan

San Diego's commitment to the well-being of its workforce is not only key to the recruitment and retention of the best talent in the region, it's a reflection of the City's values and support for raising strong, healthy families in our communities. Bringing our Long-Term Disability (LTD) code into alignment with the State of California's policy for pregnancy leave by removing our 30-Day Elimination Period presents a clear and easy way to simplify the process and better support our City employees and their families.

In 2016, the City took an important step forward with AR 95.89, Parental Leave, in addressing the needs of new and growing employee families. Its inclusion of 160 hours of paid, job-protected leave moved the City further towards a comprehensive and competitive parental leave program. However, continuing to require employees to wait thirty days before taking disability leave unduly burdens our expectant mothers with banking paid time off to cover the first month of time with their new child.

Current LTD language treats pregnancy as any other disability despite the fact that in most cases pregnancy is a planned event for employees in regard to their leave. By bringing our LTD language in line with the State of California's Paid Family Leave (PFL) and Disability Insurance (DI), the City of San Diego can further modernize our investment in our employees and better meet the needs of parents in our workforce. To achieve these shared goals, I recommend the following policy updates:

- **Remove the 30-Day Elimination Period for LTD benefits for pregnant employees.**
The City should mirror Assembly Bill 908 which removed the 7-day waiting period for Paid Family Leave. Pregnant employees should be considered disabled when their doctor says they are disabled.
 - The City's current LTD policy disadvantages employees compared to State Disability. While the State Disability website determines "The day you become unable to work due to your disability, is the day your disability begins," the City's Employee Long Term Disability Income Plan says "Pregnancy claims must meet the same criteria as all other disabilities. In the majority of cases, the date of delivery is established as the date of disability."

- **Clarify language addressing pre-existing secondary conditions that are exacerbated by pregnancy.**
 - The City's current LTD policy addresses secondary diagnosis only if it arises during pregnancy, requiring that "if secondary, complicating medical conditions arise during your pregnancy which disable you from working, medical certification describing your medical condition must be provided." Some pre-existing conditions are manageable and non-eligible for disability under normal circumstances. However, those same pre-existing conditions can become exacerbated by pregnancy and cause a patient to become eligible for disability. The LTD language is not clear on whether those pre-existing secondary conditions, exacerbated by pregnancy, will be covered for the employee.
- **Create a form that clearly outlines a Parental Leave Plan.**
 - Many times, employees on parental leave (both paternal and maternal) are required to make multiple contacts with their payroll specialist while on leave to clarify the intent of the leave they are taking. In some cases these employees are receiving severely reduced paychecks because of errors made regarding their leave. The creation of a form that clearly outlines a "Parental Leave Plan" would reduce the significant staff resources currently spent correcting and fixing mistakes in employee pay.

Thank you in advance for your consideration, and I look forward to working with you to improve the City of San Diego as an employer.