

City of Seaside
REPRODUCTIVE LOSS LEAVE
SOP 87

A. PURPOSE

To establish a policy and procedure for the use of reproductive loss leave for represented and excluded employees following a reproductive loss event. The reproductive loss leave is distinct from bereavement leave and other leaves available under state and federal law.

B. AUTHORITY

California Government Code Section 12945.6 applicable Memorandum of Agreement (MOU) and Benefit and Compensation Summary for Management/Professional Employees (Compensation Summary).

Information contained herein supersedes the current MOU and/or Compensation Summary.

C. ELIGIBILITY

Leave under this statute is unpaid, except that an employee may use bereavement leave. For example, an employee may be eligible for paid bereavement leave in the instance of a stillbirth.

An employee may request to take up to five (5) unpaid days of reproductive loss leave following a reproductive loss event. Employees may use vacation, personal leave, accrued and available sick leave, compensatory time off, or any other accruals that are otherwise available to the employee for a reproductive loss event. For purposes of this policy, a reproductive loss event is defined as follows:

1. "Employee" means a person employed by the City for at least 30 days prior to the commencement of the leave.
2. "Reproductive loss event" means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.
3. "Failed adoption" means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.
4. "Failed surrogacy" means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.
5. "Miscarriage" means a miscarriage by a person, by the person's current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
6. "Stillbirth" means a stillbirth resulting from a person's pregnancy, the pregnancy of a person's current spouse or domestic partner, or another individual, if the

person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.

7. “Unsuccessful Assisted Reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.
8. “Assisted reproduction” means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation. Assisted reproduction does not include any pregnancy achieved through sexual intercourse.

D. ENTITLEMENT TO AND DURATION OF REPRODUCTIVE LOSS LEAVE

Employees who have been employed by their employer for at least 30 days prior to the commencement of the leave are entitled to take reproductive loss leave. Employees are entitled to take up to five (5) days following the loss. Employees are not required to take the five days consecutively, but the leave must be completed within three (3) months of the reproductive loss. Employees can take up to five (5) days for each qualifying reproductive loss.

If an employee experiences more than one reproductive loss event within a twelve-month period, the City shall not be obligated to grant a total amount of reproductive loss leave time in excess of twenty (20) days within a twelve-month period. The days an employee takes for reproductive loss leave may be nonconsecutive.

E. OVERLAPPING LEAVE RIGHTS

Pursuant to California Government Code 12945.6, reproductive loss leave is an unpaid and separate and distinct right from any other right under the California Fair Employment and Housing Act and the Family Medical Leave Act provided to eligible employees, in addition to other leaves like Bereavement Leave, Pregnancy Disability Leave and Family Medical Leave. For example, an employee may be taking leave for the employee’s own medical condition or the condition of a family member under the California Family Rights Act (CFRA) or the Family and Medical Leave Act (FMLA) either before or after a reproductive loss event.