

Reproductive Loss Leave

4.2.17

PURPOSE

To establish the policy and procedure for the use of reproductive loss leave.

LEAVE FOR REPRODUCTIVE LOSS

A. Authority

Leave for reproductive loss (California Government Code §12945.6)

B. Eligibility

An employee may request to take up to five (5) days of reproductive loss leave following a reproductive loss event. For purposes of reproductive loss leave, the following definitions apply:

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.

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.

Reproductive loss leave shall be completed within three (3) months of the event entitling the employee to that leave. If, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave from work pursuant to PDL, FMLA/CFRA, or any other leave

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entitlement under state or federal law, the employee shall complete their reproductive loss leave within three months of the end date of the other leave.

Reproductive loss leave may be unpaid, except that an employee may use bereavement in the event to miscarriage or stillbirth, accrued and available vacation, accrued and available personal or executive leave, accrued and available sick leave, or earned compensatory time off that is otherwise available to the employee. For absences related to reproductive loss, please submit a [Reproductive Loss Leave Form](#).

PROCEDURES

- Employee Notify supervisor of absence and submit a [Reproductive Loss Leave Form](#).
- Human Resources Review submitted leave forms and reply to employee that submitted leave form. Track usage.

For additional information or assistance:

- Internet Website: <https://www.sanjoseca.gov/your-government/departments-offices/human-resources/leaves-of-absence>
- City's Intranet Website: <http://www.sicity.net>
- E-mail: HRBenefits@sanjoseca.gov
- Phone: Human Resources Main Number: (408) 535-1285

Approved:

 /s/ Jennifer Schembri
 Director of Employee Relations/
 Director of Human Resources

 2/5/24
 Date

Approved for posting:

 /s/ Jennifer A. Maguire
 City Manager

 2/5/24
 Date