

# Pregnancy Disability

The Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) both use the word “disability” to refer to any leave related to absences from duty or incapacitation for reasons associated with pregnancy or childbirth.

Pregnancy Disability leave covered under both OFLA and FMLA may include:

- Partial day or full-day absences due to serious morning sickness;
- Periods of bed rest ordered by the pregnant employee’s physician;
- A reduced work schedule necessitated by pregnancy complications
- Routine prenatal visits to the doctor;
- Leave following the childbirth, when the employee is still incapacitated
- Postpartum depression
- Miscarriage

Under OFLA, an eligible female employee may take up to 12 weeks of pregnancy disability leave and will still be eligible for up to 12 additional weeks of any type of OFLA leave in the same 12-month leave year. The additional 12 weeks of OFLA leave may be taken before or after the pregnancy leave and may be used for any OFLA-qualifying purpose.

Under FMLA, any leave taken by a female employee for pregnancy or childbirth related reasons count towards the 12 weeks of FMLA entitlements for the year.

## **Pregnancy Disability FAQ’s**

- 1. Even if an employee has a normal and healthy pregnancy, she is still eligible for “pregnancy disability leave” under the Oregon Family Leave Act (OFLA) and the Family and Medical Leave Act (FMLA).**

**TRUE:** Although the phrase is confusing, pregnancy “disability” leave is available to a woman for any medical purpose related to her pregnancy. This includes routine prenatal doctor appointments, periods of morning sickness, and birthing classes.

- 2. If an eligible employee takes any amount of OFLA pregnancy leave, she is entitled to another 12 weeks of leave for any qualifying OFLA event. This could include parental leave, more pregnancy leave or a leave completely unrelated to the pregnancy, such as leave to care for a sick family member.**

**TRUE.**

- 3. Once an employee gives birth, her pregnancy leave ends and her parental leave automatically begins.**

**FALSE:** Currently, neither OFLA nor FMLA provide any specific time when parental leave must begin. However, that it must be completed within a year of the birth, adoption or placement of the child.

