

SB 299 (EVANS)

HEALTH COVERAGE DURING PREGNANCY LEAVE

THE GOAL

To ensure that women in California do not lose their employer-provided health insurance coverage while on maternity leave. Unlike other California leave laws that ensure health insurance coverage during leave, continued health care coverage is not required by California's Pregnancy Disability Leave.

BACKGROUND

Current law guarantees women the right to up to four months of unpaid leave for a pregnancy-related condition through California's Pregnancy Disability Leave (PDL). While the PDL provides leave for pregnancy-related conditions, this law does not require employers to continue group health insurance coverage for an employee during leave. As a result, many new mothers are denied crucial health benefits while on leave.

This lack of maternity coverage assurance under the PDL discourages and prevents women from taking pregnancy leave despite their health needs and the needs of their baby. Forced to pay out-of-pocket costs for health coverage, many women will delay or cut short their leave despite well-documented benefits to maternal and child health. **Almost four-fifths of workers report being unable to take leave because they could not afford it.** Pregnant women and new mothers are losing their health insurance coverage when they need it most.

Other federal and state leave laws require employers to continue health care for employees on leave. Individuals covered under the federal Family and Medical Leave Act (FMLA) have a right to the continuation of group health insurance coverage. However, the FMLA has strict eligibility requirements and only 47% of the workforce is included. Those covered under the state's California Family Rights Act (CFRA) are also guaranteed the continuation of benefits during leave but CFRA excludes leave for pregnancy-related conditions.

Due to these gaps in coverage, an estimated 50% of the workforce is not granted the continued health insurance coverage guaranteed by the FMLA and CFRA. These gaps in coverage leave a large segment of the state's workforce vulnerable to the limited provisions under California's Pregnancy Disability

Leave law. This inequitable coverage under the law effectively penalizes women for taking maternity leave.

Pregnant women have a stronger connection to the workforce than ever before. Three quarters of women entering today's workforce will become pregnant at least once while employed. Those who become pregnant while working generally stay in the workforce. **Meaningful access to leave – including the maintenance of health insurance coverage – is essential to protecting the health and economic security of working women and their families.**

THIS BILL

SB 299 seeks to close the gap in health insurance for women on maternity leave. This bill amends the Pregnancy Disability Leave law to guarantee the continuation of employer-provided health insurance coverage for women on pregnancy disability leave. This amendment will bring the PDL in line with health coverage provisions of related state and federal family and medical leave laws.

Though SB 299 would require employers to provide coverage for up to 4 months of leave, the length of maternity leave is determined on an individual basis based on medical certification from a physician, with the average leave being 10.3 weeks.

SUPPORT

Sponsors: California Commission on the Status of Women, Equal Rights Advocates

Support: Labor Project for Working Families, Legal Aid Society-Employment Law Center

OPPOSITION

None yet received.

FOR MORE INFORMATION

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