

California Guidelines for Drafting Work Accommodation Notes for Pregnant and Postpartum Patients

*These guidelines **apply only in California.**

Visit [the Pregnant@Work website](http://www.pregnantatwork.org) (www.pregnantatwork.org) for other states.

ACOG's Committee Opinion on Employment Considerations (#733) recommends that obstetric care providers assist their patients to obtain accommodations by writing appropriate notes to employers following these state-specific guidelines.

Attached as Appendix A is a sample work note that satisfies all of the requirements of California law for requesting a reasonable accommodation. Appendix B is a sample work note for recommending leave or reduced work schedules.

California law requires employers that have 5 or more employees to provide:

- **reasonable accommodations**, on the advice of a health care professional, to employees affected by pregnancy, childbirth, lactation, or related conditions¹; and/or
- **full time leave, intermittent leave, or a reduced work schedule** to employees disabled because of pregnancy, childbirth, lactation, or a related medical condition (including women who need time off for prenatal or postnatal care appointments).²

Health care providers can play an important role in enabling patients to receive the accommodations they need to keep their jobs during pregnancy and following childbirth.

In most cases, the goal is to write a note that will assist your patient to receive the accommodation she needs to continue working and earning an income for the family she supports. Before you recommend that a pregnant patient take leave or adopt a reduced schedule, see "Considering leave or a reduced work schedule? Proceed with Caution." under Part B below. If it is necessary to **recommend your patient take leave or work a reduced schedule**, skip to "Part B: Recommending Leave and Reduced Work Schedules," page 3 below. If you will **recommend that your patient keep working with a reasonable accommodation**, continue here with Part A.

For patients requiring **lactation accommodations** (e.g., breaks and space for pumping breast milk), you may also review our separate guidelines for writing effective lactation accommodation notes at [the Pregnant@Work website's page for Helping Patients Seek Breastfeeding Accommodations](#).

Part A: Recommending a Reasonable Accommodation

An effective pregnancy or postpartum accommodation work note³ includes 5 components:

- 1. State that your patient is pregnant or postpartum.** This triggers the protections of the federal and California laws that may require your patient's employer to accommodate her.

¹ Cal. Gov't Code § 12945(a)(3)(A); Cal. Code Regs. tit. 2 § 11040.

² Cal. Gov't Code § 12945(a)(1); Cal. Code Regs. tit.2, § 11042.

³ Cal. Gov't Code § 11050(b)(6).

Does the patient have to reveal her pregnancy-related medical condition?

No. You must state your patient is pregnant or has given birth, but California law does *not* require providers to identify medical conditions like gestational diabetes or morning sickness. Because patients may want to keep their medical condition private from their employers, it is recommended that you state only the information above.

- 2. Precisely identify your patient’s limitation(s).** Identify exactly what your patient requires to work safely. Do not impose limitations that are not necessary, because if there is no accommodation available, your patient could be sent out on leave. Examples of specific, clear limitations include:

- Is unable to stand for more than one hour without fifteen minutes of sitting
- Must eat snacks every two or three hours throughout the day
- May not lift more than 50 pounds more than three times per day
- Must consume water approximately every 10 minutes throughout the day
- May not be exposed to [specific toxin]
- May not be put at risk of being kicked in the stomach
- May not climb ladders

CAUTION: Avoid recommending limitations that are too vague or overly broad. For example, **DO NOT recommend:**

- “Light duty.” Instead, specify the maximum number of pounds the patient can safely lift, that she can only be on her feet X amount without a rest break, etc.
- “No stress.” This typically will cause a patient to lose her job. What employer can guarantee a stress-free job?
- “No physical activity.” Be more specific; few jobs require no physical activity at all.

- 3. Affirmatively state that your patient is able to continue working with a reasonable accommodation.**

- 4. Recommend reasonable accommodation(s).** Patients typically have a better chance of receiving the accommodations they need if their health care provider identifies them.

- A *reasonable accommodation* is any change in the work environment or in the way a job is customarily done that is effective in enabling an employee to perform the essential functions of a job. Speak with your patient about what may be possible at her workplace.
- *What if you don’t know enough about your patient’s workplace to recommend an accommodation?* So long as you clearly explain the patient’s known limitations (#2 above), you are not required to recommend a specific accommodation. If you do recommend an accommodation, it is important to **be as specific and clear as possible** in making your recommendation.

***Appendix C** to this document is a chart of typical pregnancy-related conditions and accommodations that may be appropriate in addressing them.

Examples of reasonable accommodations include:

- Modifying work practices, policies, or duties
- Modifying work schedules to permit earlier or later hours
- Allowing more frequent or longer breaks (e.g., to use the restroom or eat a snack)
- Acquisition of equipment for sitting
- Periodic rest
- Assistance with manual labor (including acquiring lifting devices)
- Temporary transfers to less strenuous or hazardous positions, if available

5. Provide expected duration of limitation. Inform the employer how long you expect the limitation to last. Say, for example, that the limitation began on the date of the letter and is expected to last for the duration of your patient’s pregnancy, until she gives birth on her approximate due date. If the end date of the accommodation is uncertain, you may choose to list a date by which you will have reevaluated your patient – the date can be extended or changed in the future.

Part B: Recommending Leave or Reduced Work Schedules

If your patient is disabled⁴ by pregnancy, she may take up to four months of full time leave, intermittent leave, or a reduced work schedule (not including the 12 additional weeks of baby bonding time).⁵ Intermittent leave and reduced work schedules use up leave on a pro rata basis.⁶ Under California law, an employer may not require a pregnant woman to take leave if she is able to continue working with a reasonable accommodation.⁷

Considering leave or a reduced work schedule? Proceed with Caution. Your patient should consider two factors before taking leave or working a reduced schedule. First, *taking leave will likely reduce her income* (note: most women in California are eligible for *partial* income replacement through the state’s disability insurance program).⁸ Second, *most employees have limited leave time*. If your patient exhausts her leave before she is able to return to work, she may be fired.

- **During Pregnancy:** Before recommending that your patient take leave during pregnancy, consider that if she goes out early in her pregnancy, *she may exhaust her leave* and have

⁴ A woman is “disabled by pregnancy” if she is unable to perform one or more of her primary job duties, or unable to perform them without undue risk to herself, to her pregnancy’s successful completion, or to other persons. A woman is considered disabled by pregnancy if she is suffering from severe morning sickness or you believe she needs to take time off for: prenatal or postnatal care; bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; post-partum depression; childbirth; or recovery from childbirth, or loss or end of pregnancy. This list is illustrative and non-exhaustive. Cal. Code Regs. tit. 2, § 11035(f).

⁵ Cal. Gov’t Code § 12945(a)(1); Cal. Code Regs. tit. 2, § 11042.

⁶ Cal. Code Regs. tit.2, § 11042(a)(2).

⁷ Cal. Code Regs. tit. 2, § 11039(a)(H).

⁸ Cal. Unemp. Ins. Code § 3300(e).

none available during the final weeks of pregnancy and following childbirth. You should discuss with your patient other accommodations that will allow her to continue working.

- Postpartum: Your patient may be entitled to take leave following childbirth for recovery and bonding with her newborn. She may also be entitled to take leave for postpartum pregnancy-related conditions (e.g., depression or anxiety). To learn about the laws that may provide your patient a right to take leave postpartum, visit [the Babygate website](#).
- **If your patient is fired for taking or exhausting her leave**, advise her to contact a legal hotline without delay (see below).

A work note recommending leave or reduced schedule⁹ should state:

1. That the patient is disabled due to pregnancy, childbirth, lactation, or a related medical condition.
2. That the patient requires full-time leave, a reduced work schedule, or leave for medical appointments. If your patient is able to continue working, affirmatively say so in the note.
3. When the patient became disabled and the anticipated schedule for the leave or reduced schedule. *If you say nothing at all about when a patient on leave can return to work, she may end up losing her job as a result.*

* You are not required to reveal your patient's pregnancy-related medical condition, so long as you state that she is disabled by pregnancy or childbirth or a related condition.¹⁰

Have Questions? Health care providers may contact the Center for WorkLife Law at (415) 565-4640. Pregnant women may contact WorkLife Law's free legal hotline at hotline@worklifelaw.org or (415) 703-8276, or Legal Aid at Work's Work and Family Helpline at (800) 880-8047. WorkLife Law experts are available to deliver grand rounds or are available for other educational opportunities on this topic.

Visit [the Pregnant@Work website](http://www.pregnantatwork.org) (www.pregnantatwork.org) for more info or to draft a work accommodation note using our interactive note-writing tool.

Attached as Appendix A is a sample work note seeking a reasonable accommodation. Attached as Appendix B is a sample work note recommending disability leave, reduced schedule, or leave for medical appointments.

Thank you for your work and commitment to your patients.

⁹ Cal. Code Regs. tit. 2, § 11050(b)(7).

¹⁰ Cal. Code Regs. tit. 2, § 11050(b)(8).

**California: Sample Work Accommodation Letter
Supporting Pregnancy, Childbirth, or Lactation-Related Accommodations**

Your Health Care Provider's Letterhead

[Date]

To Whom It May Concern:

I am the **[treating physician, nurse practitioner, health care professional, etc.]** for **[Patient]**.

[Patient] has a condition related to **[pregnancy, childbirth, and/or lactation]** that requires accommodation. Specifically, **[state limitation here, e.g., “cannot stand for more than an hour without 15 minutes of sitting,” “must take breaks every 3-4 hours to eat a snack,” etc.¹]**.

[Patient] is able to continue working with a reasonable accommodation. I recommend **[Patient]** be provided the following accommodation: **[Describe requested accommodation here.²]**.

[Patient] needs an accommodation from **[date]** until **[state anticipated end here.³]**.

Thank you.

[Signature]

¹ For more info, see California Guidelines document component #2.

² For more info, see California Guidelines document component #4.

³ For more info, see California Guidelines document component #5.

**California: Sample Work Letter Recommending Leave or Reduced Schedule
for Disability Associated with Pregnancy, Childbirth, or Lactation**

Your Health Care Provider's Letterhead

[Date]

To Whom It May Concern:

I am the **[treating physician, nurse practitioner, health care professional, etc.]** for **[Patient]**.

Choose one of the following options, depending on the type of leave requested:

Full Time Leave:

[Patient] became disabled by pregnancy on **[date]**. I recommend **[Patient]** take a temporary, full time leave from work. I anticipate she will need to remain on leave until **[date]**.

OR

Reduced Work Schedule:

[Patient] has a pregnancy-related disability that began on **[date]**. **[Patient]** is able to continue working with a reduced work schedule. I recommend the following: **[fill in details of reduced schedule, e.g., scheduled shifts of only six hours per day, four days per week]**. I anticipate she will need to work a reduced scheduled until **[date]**.

OR

Leave for Medical Appointments:

[Patient] has a pregnancy-related condition. She is able to continue working, but requires intermittent leave from work as follows: **[fill in details of intermittent leave, e.g., approximately one half day per week for one month to attend prenatal appointments]**. I anticipate she will need to take intermittent leave until **[date]**.

Thank you.

[Signature]

California Guidelines: Drafting Work Accommodation Notes for Pregnant And Postpartum Women

Suggested Reasonable Accommodations

Condition	Potential Reasonable Accommodations
Abnormal placentation (placenta accreta, placenta percreta, placenta increta, placenta previa, vasa previa)	<ul style="list-style-type: none"> • Allow time off for medical appointments • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Allow assistance from coworkers with lifting • Provide assistive equipment to lift more than X pounds • Temporarily modify particular duties of the job • Move workstation close to restrooms
Anemia	<ul style="list-style-type: none"> • Allow sitting while working • Allow assistance from coworkers in lifting • Allow breaks every 4 to 6 hours
Bladder dysfunction (urinary incontinence)	<ul style="list-style-type: none"> • Allow more frequent bathroom breaks as needed
Carpal tunnel syndrome	<ul style="list-style-type: none"> • Allow occasional breaks from manual tasks or typing – state how frequently (e.g. every two hours or “as needed”) • Provide specialized programs that allow for dictation instead of typing • Provide ergonomic support for hands and wrists • Allow wearing of wrist brace
Cesarean incision infection	<ul style="list-style-type: none"> • <i>See wound complications</i>
Cholestasis of pregnancy	<ul style="list-style-type: none"> • Allow time off from work twice weekly for medical appointments • Allow to take medication
Deep vein thrombosis	<ul style="list-style-type: none"> • Allow frequent (hourly) breaks to stretch and move extremities • Allow refrigerator for storage and privacy for injections • Modification of workstation to allow for more comfortable movement of legs • Allow teleconferencing rather than travel to avoid risks associated with travel
Depression	<ul style="list-style-type: none"> • Provide time off for employee to participate in therapeutic sessions • Temporarily transfer employee to a less distracting environment • Allow telecommuting (which may include temporary transfer to a position that allows for telecommuting)

Diabetes	<ul style="list-style-type: none"> • Allow time off for medical appointments • Permit employee to take more frequent bathroom breaks and to eat small snacks during work hours – be specific with regard to timing, if possible (e.g., approximately every two hours, or “as necessary”) • Allow breaks and a private location for testing blood glucose – before and/or after each meal • Provide space for medications to be stored • Allow scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility)
Dyspnea	<ul style="list-style-type: none"> • Provide employee with stool or chair to sit on while working • Provide assistive equipment for lifting • Allow coworker assistance with lifting • Temporarily modify particular duties of the job
Fatigue	<ul style="list-style-type: none"> • Temporarily modify job duties to avoid strenuous activity • Allow scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Exemption from mandatory overtime
Gastroesophageal reflux (GERD)	<ul style="list-style-type: none"> • Allow breaks for food – be specific as to timing (e.g., approximately every two hours, or “as necessary”) • Provide space for medications to be stored
Hyperemesis gravidarum (morning sickness)	<ul style="list-style-type: none"> • Allow employee to take more frequent bathroom breaks • Allow employee to eat small snacks during work hours • Provide a cot for lying down and take breaks as needed • Provide schedule changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility)
Hypertension	<ul style="list-style-type: none"> • Provide time and place for blood pressure monitoring • Allow time off for medical appointments and monitoring
Insomnia	<ul style="list-style-type: none"> • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Provide a cot for lying down and take breaks as needed
Intrauterine growth restriction	<ul style="list-style-type: none"> • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility)
Lactation complication, such as breast engorgement	<ul style="list-style-type: none"> • Provide a private space for pumping • Provide breaks every 3-5 hours lasting at least 20 minutes in order to pump

Lower extremity edema	<ul style="list-style-type: none"> • Provide employee with stool or chair to sit on while working • Modify workstation to allow elevation of legs • Allow short breaks for movement or exercise – state how frequently (e.g., approximately every two hours, or “as necessary”) • Modify footwear requirements – be specific
Lower extremity varicosities	<ul style="list-style-type: none"> • Allow short breaks for movement or exercise – be specific as to timing (e.g., approximately every two hours, or “as necessary”) • Modify workstation to provide ability to sit or stand as needed
Lumbar lordosis	<ul style="list-style-type: none"> • <i>See musculoskeletal pain</i>
Mastitis	<ul style="list-style-type: none"> • Provide a private space for pumping • Provide breaks every 3-4 hours lasting at least 20 minutes in order to pump
Migraine headaches	<ul style="list-style-type: none"> • Change lighting in the work area to create a less bright environment • Limit exposure to noise and fragrances • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility)
Musculoskeletal pain (back pain)	<ul style="list-style-type: none"> • Allow use of a heating pad as needed • Allow sitting while working • Allow assistance from coworkers in lifting • Provide assistive equipment to lift more than X pounds • Allow modification of workstation • Temporarily modify particular duties of the job • Must be allowed to wear belt
Oligohydramnios	<ul style="list-style-type: none"> • Allow time off for medical appointments
Pelvic pain (round ligament pain, uterine pain, Braxton Hicks, degenerating fibroid)	<ul style="list-style-type: none"> • Allow lifting assistance from coworkers • Provide assistive equipment to lift more than 25 pounds • Modify workstation to provide ability to sit or stand as needed • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Allow more frequent breaks - be specific as to timing (e.g., approximately every two hours, or “as necessary”)
Pelvic varicosities (hemorrhoids)	<ul style="list-style-type: none"> • Allow employee to avoid being in a seated position all day or to use a special cushion

Appendix C

Placental abruption	<ul style="list-style-type: none"> • Allow time off for medical appointments • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Allow assistance from coworkers with lifting • Provide assistive equipment to lift more than X pounds • Temporarily modify particular duties of the job • Move workstation close to restrooms
Preterm pregnancy risk (shortened cervix, incompetent cervix, cerclage, threatened preterm labor)	<ul style="list-style-type: none"> • Allow time off for medical appointments
Pulmonary embolism	<ul style="list-style-type: none"> • Allow time off for medical appointments • Modify workstation to allow elevation of legs • Allow short breaks for movement or exercise – be specific as to timing (e.g., approximately every two hours, or “as necessary”) • Must be allowed to take medications, including injections, at work
Rash, dermatitis, PUPPP	<ul style="list-style-type: none"> • Allow use of protective gloves or clothing as recommended
Sciatica	<ul style="list-style-type: none"> • Allow lifting assistance from coworkers • Provide assistive equipment to lift more than X pounds • Modify workstation to provide ability to sit or stand as needed • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Allow more frequent breaks - be specific as to timing (e.g., approximately every two hours, or “as necessary”)
Stroke (TIA, embolus, CVA)	<ul style="list-style-type: none"> • Allow time off for medical appointments • Allow flexible schedule • Must be allowed to take medications, including injections, at work
Sub-chorionic hematoma	<ul style="list-style-type: none"> • Allow time off for medical appointments • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility) • Allow assistance from coworkers with lifting • Provide assistive equipment to lift more than X pounds • Temporarily modify particular duties of the job • Move workstation close to restrooms

Symphyseal separation	<ul style="list-style-type: none"> • Modify workstation to provide ability to sit or stand as needed • Provide scheduling changes such as flexible schedules or telework (which may include a temporary transfer to a position that provides this kind of flexibility)
Syncope	<ul style="list-style-type: none"> • Provide a stool or chair to sit on while working • Allow more frequent breaks - be specific as to timing (e.g., approximately every two hours, or “as necessary”) • Allow lifting assistance from coworkers • Provide assistive equipment to lift more than X pounds • Temporarily modify specific duties of the job • Move workstation close to restrooms
Thrombocytopenia	<ul style="list-style-type: none"> • Allow time off from work for medical appointments • Modify work duties to temporarily refrain from engaging in activities that would cause bruising (identify specific activities)
Urinary tract Infection	<ul style="list-style-type: none"> • Allow more frequent bathroom breaks as needed • Allow employee to carry a bottle of water
Vaginal laceration separation	<ul style="list-style-type: none"> • <i>See wound complications</i>
Wound complications, such as cesarean incision infection or vaginal laceration separation	<ul style="list-style-type: none"> • Allow sitting while working • Allow assistance from coworkers in lifting • Allow modification of workstation • Allow assistance from coworkers in activities that require bending or twisting • Provide assistive equipment to lift more than X pounds • Allow frequent bathroom privilege • Temporarily modify particular duties of the job