

# SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

## *POLICIES & PROCEDURES MANUAL*

### POLICY 32.120 - LEAVE FOR REPRODUCTIVE LOSS

Date: September 24, 2024  
Revision No.: New  
Supersedes: New  
First Adopted: September 24, 2024

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#### **POLICY:**

Per Senate Bill 848 (SB 848), the San Bernardino Municipal Water Department (Department) provides employees who have been employed at least 30 calendar days with up to five (5) days of Reproductive Loss Leave under the Department's Bereavement Leave benefit (refer to the Bereavement Leave article in the appropriate Memorandum of Understanding {MOU} or Compensation Plan), in the event of a "Reproductive Loss Event"

#### **PROCEDURE:**

"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, as those terms are defined below:

- "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.
- "Failed Surrogacy" means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to the person who would have been a parent of a child born as a result of the surrogacy.
- "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.
- "Stillbirth" means a stillbirth resulting from a person's pregnancy, 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.

- "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.

Reproductive Loss Leave is not required to be taken consecutively, but such leave must be taken within three (3) months of the Reproductive Loss Event, with the exception that, if an employee is on California Family Rights Act (CFRA) leave, Pregnancy Disability Leave (PDL), or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave.

Reproductive Loss Leave may be taken for up to five (5) days per Reproductive Loss Event. If an employee experiences more than one Reproductive Loss Event within a 12-month period, the Department will provide Reproductive Loss Leave up to a maximum of 20 days within a 12-month period.

Additional days for bereavement of a Reproductive Loss Event may be used and charged to the employee's accrued/available sick, vacation, floating holiday, comp time, and/or administrative leave as appropriate.

The Department will maintain the confidentiality of any employee who requests to use or uses Reproductive Loss Leave and will not disclose such information other than to internal personnel on a need-to-know basis or as required by law.

Employees may refer any questions to their supervisor and/or Human Resources.

#### **Policy Review**

Established/Board approved:

9/24/2024