



Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

Robert R. Corbin

September 28, 1979

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Ms. Teri Dettmer  
Deputy County Attorney  
Yavapai County Attorney's Office  
Yavapai County Courthouse  
Prescott, Arizona 86301

Re: I79-244

(R79-232)

Dear Ms. Dettmer:

Pursuant to A.R.S. § 15-122(B), we decline to review your August 13, 1979 opinion addressed to the Superintendent of the Prescott Unified School District No. 1, concerning the provision of benefits for pregnancy and non-pregnancy related conditions under the district's health insurance program. We believe A.R.S. § 15-436(B), shielding the board from personal liability when relying upon the Attorney General's written opinion, applies equally to board action taken in reliance on a County Attorney's opinion which we have declined to review pursuant to A.R.S. § 15-122(B).

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN  
Attorney General

BC:MP:brf



Tollara

R79- 232

W. L. HICKS  
COUNTY ATTORNEY

OFFICE OF  
**County Attorney**  
YAVAPAI COUNTY COURTHOUSE  
PRESCOTT, ARIZONA 86301  
445-7450 EXT. 208

CARL H. COAD  
DEPUTY  
STEVEN B. JAYNES  
DEPUTY  
LINDA J. POLLOCK  
DEPUTY  
JAMES H. LANDIS  
DEPUTY  
TERI DETTMER  
DEPUTY

August 13, 1979

Rec'd  
8-15-79  
pb

Dr. Kenneth E. Walker  
Prescott Public Schools  
146 South Granite St.  
Prescott, Arizona 86301

Dear Dr. Walker:

You have asked this office for an opinion on requirements under the Pregnancy Discrimination Act (Pub. Law 95-555).

Section 1 of Public Law 95-555 (42 U.S.C.A. §2000 e) states, in part:

(k)...and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work...

Section 3 of the Act provides that:

Until the expiration of a period of one year from the date of the enactment of this Act (October 31, 1978)...no person who, on the date of enactment of this Act is providing either by direct payment or by making contributions to a fringe benefit fund or insurance program, benefits in violation with this Act...shall, in order to come into compliance with this Act, reduce the benefits or the compensation provided any employee on the date of enactment of this Act, either directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance program: Provided, that where the costs of such benefits on the date of enactment of this Act are apportioned between the employers and employees, the payments or contributions required to comply with this Act may be made by employers and employees in the same proportion: And provided further, that nothing in this section shall prevent the readjustment of benefits or compensation for reasons unrelated to compliance with this Act. (emphasis in original).

The regulations promulgated pursuant to the Act basically restate the above provisions. In order to comply with the Act, it is necessary for the

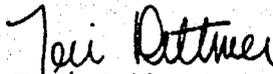
Dr. Walker  
Pregnancy Discrimination Act  
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school district's health insurance plan for employees to treat pregnancy-related and non-pregnancy-related conditions alike. Until October 31, 1979, however, it must do this without reducing benefits that were provided on October 31, 1978.

As I understand the situation, the Prescott Unified School District's group health insurance plan on October 31, 1978, provided extended benefits for pregnancy related conditions, under which medical benefits would be provided to a woman who was admitted to a hospital to give birth anytime within nine months after she terminated her employment with the school district. Under these facts, it appears that the only way the school district can comply with the act is to extend benefits for non-pregnancy related conditions so that they are the same as extended benefits for pregnancy-related conditions. Any limitations or conditions in the policy relating to the extended pregnancy benefits would also apply to the extension of benefits for non-pregnancy conditions. After October 31, 1979, there is nothing in the Act prohibiting reduction of benefits as long as pregnancy and non-pregnancy conditions are treated alike.

Pursuant to A.R.S. 15-122 (B), a copy of this letter is being sent to the Attorney General's Office.

Very truly yours,



Teri Dettmer  
Deputy County Attorney

TD/be

cc: Marilyn Pollard  
Gene Hunt