

## MODEL POLICY – PREGNANCY

### I. PURPOSE

*This policy is intended to provide to pregnant police officers the option to remain working in a full time capacity performing full duty assignments, in combination with alternative duty assignments, until such time that the officer's physician recommends solely or in consultation with the Department's medical advisor a leave status for the employee, or the employee independently requests leave due to her medical condition.*

*This policy is intended to treat pregnancy as a routine event thereby avoiding an adverse situation that negatively impacts the seniority, position, or compensation of the pregnant employee.*

The Police Department recognizes that its diverse workforce is a valuable asset and that trained and experienced women police officers are a critical resource. The Department recognizes pregnancy as a temporary physical condition, unique to women, which may affect an employee's ability to perform all of the usual duties of her job classification. This policy provides to pregnant employees who are unable to safely perform all of the essential functions of their assignments temporary, alternative duty assignments when medically indicated because of diminished physical capabilities.

The Department will not assume an employee is unable to continue her regular job functions solely because she is pregnant.

### II. APPLICABILITY

This policy applies to all female law enforcement officers in good standing who have successfully completed entry-level probation. This policy does not apply to female officer-candidates who have not completed recruit training, field training and/or entry-level employment probation.

An employee is not eligible for the privileges provided by this policy until at least 12 months have passed since a previous use, unless extraordinary circumstances exist.

### III. POLICY

For public safety and management planning purposes, an officer who becomes pregnant shall notify her supervisor of the pregnancy within the first trimester, and provide written confirmation of the pregnancy from a medical practitioner, including an anticipated due date, if possible. A supervisor shall maintain this information as confidential.

This policy is not intended to interfere with or diminish any rights or privileges to which an employee may be entitled under federal, state or local law, any other departmental policy or collective bargaining agreement.

If an employee is unable to work in any capacity due to medical

complications, the usual leave policies will apply.

**A. Full Duty Option:**

- 1.1 During the first trimester of a pregnancy, the officer may continue to work in her current assignment. Employees are encouraged to confer with their personal physicians, make them aware of the essential job duties of a law enforcement officer, and consider the risks and benefits of remaining in a full duty status. The Department will not compel an officer to accept an alternative duty assignment at this stage or to take leave. The Department assumes no responsibility for any medical risks associated with the pregnancy, whether related or not to duty assignment.
- 1.2 If an officer elects to remain on full duty during the first trimester of her pregnancy, upon her request, the agency will arrange for alternative firearms qualification, such as providing lead-free ammunition, reducing exposure to noise and toxic cleaning solvents and considering simulation training and testing.

- 1.3 Pregnant employees may decline assignments to units in which the work involves a high likelihood of encountering toxic chemicals, such as raids on clandestine drug labs or intensive traffic enforcement. Pregnant employees may also decline assignments to units in which the work involves a high likelihood of suffering trauma, such as high risk entries, special tactical operations and riot control.
- 1.4 If the pregnant employee develops a need for larger sized uniforms and modified equipment, that need will be accommodated.
- 1.5 During the first trimester, it may become necessary for the department to evaluate the employee's continuing ability to safely and effectively perform the essential functions of her position. In such case, the agency may consider whether the pregnancy creates an undue safety risk to the employee, co-workers and/or the public. The agency may consult with the agency physician and/or the employee's physician in making this evaluation. If the agency determines that the employee's condition unreasonably interferes with her ability to

perform in a full duty capacity, it may reassign her to alternative duties. Under usual circumstances, the employee will not be required to take leave.

departmentally-issued firearm. The qualification modifications described in section A.1.2 apply.

1.6 During the first trimester of a pregnancy, officers working Stage One Maternity Duty must be able to:

**B. *Alternative Duty Option:***

- 1.1 During the first trimester of a pregnancy, upon written recommendation of a physician, an employee may request an alternative duty assignment. An alternative duty assignment is a temporary, transitional duty status regarded as a temporary medical disability. This duty may be referred to as “Stage One Maternity Duty.”
- 1.2 The nature and location of Stage One Maternity Duty will be to a position serving the best interests of the agency. The position will compensate at the same rate of pay as the officer currently receives. The agency will consider any specific restrictions identified by the employee’s physician.
- 1.3 A Stage One Maternity Duty assignment may or may not allow or require the wearing of a uniform.
- 1.4 An officer on Stage One Maternity Duty shall not operate a marked patrol vehicle, but may be a passenger in a marked vehicle with supervisory approval. She may operate and be a passenger in an unmarked departmental vehicle.
- 1.5 An officer on Stage One Maternity Duty may retain possession of her

- 1.6.1 Respond to non-hazardous calls for service
- 1.6.2 Write police reports
- 1.6.3 Operate a police radio
- 1.6.4 Interview persons
- 1.6.5 Work 40 hours per week
- 1.6.6 Be able to enter and exit a vehicle unassisted

**C. *Alternative Duty Requirement***

- 1.1 The department recognizes the medical literature that indicates that the risk of physical trauma to a pregnant women increases during the second trimester of a pregnancy. Accordingly, once the pregnant employee enters her second trimester, as verified by her physician, the department will assign her to Stage One Maternity Duty, as described in section B, above.
- 1.2 At some point in a woman’s pregnancy, it is likely that she will no longer be able to safely perform all of the functions required in section B. 1.6 because of diminished physical

- capacity. Once this point is reached, as determined either by the department, or the department's medical advisor, the department will assign the employee to Stage Two Maternity Duty.
- 1.3 The department will select the appropriate Stage Two Maternity Duty, considering the best interests of the department and the medical restrictions recommended by the agency medical provider. Stage Two Maternity Duty will *not* include alternating shift work, defensive tactics or defensive tactics training, firearms training, except simulated training, patrol duties, standing for more than 20 minute intervals, the lifting of more than 25 pounds or exposure to toxins.
- 1.4 Absent specific medical considerations, employees working Stage Two Maternity Duty shall work 40 hours per week. If the employee's medical conditions warrants a part time assignment, every effort will be made to assign her to part-time duty.
- 1.5 Stage Two Maternity Duty may or may not allow or require the wearing of a suitably fitted uniform.
- 1.6 An officer on Stage Two Maternity Duty may retain possession of a departmentally-issued firearm. The qualification modifications described in section A.1.2 apply.
- 1.7 Any evaluation made by the departmental medical advisor under this policy shall be limited to a review of the employee's medical records, which must be provided by the employee, and consultation with the employee and/or her physician. The departmental medical advisor will not examine the employee for pregnancy-related matters.
- 1.8 If the review determines that that a pregnant employee is unable to perform the functions of her Stage Two Maternity Duty assignment before her pregnancy concludes, she may request other alternative duties during the third trimester that permit her to work in the department in assignments that limit her to clerical duties. If no such position is reasonably available, the department may require the employee to use applicable earned leave, in compliance with the Family and Medical Leave Act and other

applicable law. Unless governmental policy or applicable law holds otherwise, the employee's use of leave for this purpose shall not adversely impact her salary, rank, seniority, pension credit earnings or other employee benefits.

**10/29/2008**