



## Policy 1725

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*By Order of the Police Commissioner*

### **POLICY**

This Baltimore Police Department (BPD) recognizes that a diverse workforce is a valuable asset and that contributions made by female members are critical to its success. Pregnancy is a temporary physical condition that may or may not affect a member's ability to perform the usual duties of her job classification. This policy establishes procedures for accommodating pregnant members, when accommodations are needed, including the provision of temporary, alternative duty assignments when members are unable to safely perform all essential job functions.

### **PURPOSE**

The goal of this policy is to provide accommodations that will enable a member to continue working in a full-time capacity for as long as reasonably possible. In addition, this policy seeks to ensure that pregnant members continue to work in an environment that is free from discrimination, while also helping members guard against some of the risks inherent in the performance of their law enforcement duties.

### **Notification Procedures**

1. For public safety and management planning purposes, members are encouraged to notify Command of a pregnancy immediately upon confirmation and decision to continue the pregnancy. No officer shall be required to disclose a pregnancy, unless or until the member has reason to believe she cannot continue to safely perform in her current duty assignment.
2. No member of Command shall alter a pregnant member's duty assignment at the time a pregnancy is disclosed, unless: 1) the member so requests in writing and presents a letter from her treating physician outlining any restrictions on the member's ability to perform in her current assignment; or 2) the member's condition may pose a risk to public safety. In situations where there are concerns about public safety, the member's Command should promptly contact the Medical Unit which will help evaluate the situation and recommend an appropriate course of action. In formulating recommendations, the Medical Unit may consult with the Director, Human Resources Section (HRS). Command shall forward all medical documentation related to a member's pregnancy to the Medical Unit for confidential storage.
3. In the case of sworn members, Command shall notify HRS as soon as a pregnancy is disclosed. A representative of HRS shall then promptly schedule a conference with the pregnant member for the purpose of reviewing this policy and the availability of pregnancy-related accommodations. HRS will provide the member with information concerning the possible risks and benefits of remaining in full-duty status while pregnant. In addition, HRS shall provide

the member with information concerning available lactation accommodations for members who wish to breastfeed after childbirth, as well as a copy of Policy 1730, *Lactation Accommodations*.

4. The Commanding Officer of the affected member shall make the determination, regarding the member's assignment.

### **Full-Duty Option**

1. A sworn member typically will be able to continue to work in her usual, full-duty assignment until some point during the second or third trimester of the pregnancy. When deciding whether to continue in a full duty assignment, a member should confer with her personal physician and provide him or her with the following: 1) a copy of this policy; and 2) a copy of the "Pregnancy" chapter of the ACOEM (American College of Occupational and Environmental Medicine) Guidance for the Medical Evaluation of Law Enforcement Officers. The HRS office shall provide copies of these materials to the member during the conference referenced in Section 1.2.
2. Both the member and her physician are expected to consider the risks and benefits of remaining on full-duty status. The BPD will not require a member to accept a maternity duty assignment or to take leave, absent a compelling medical or public safety reason.
3. During a sworn member's pregnancy, the BPD shall permit firearms qualification at the outdoor Gunpowder Range and offer other pregnancy-related accommodations, such as non-toxic, lead-free ammunition and accommodations for reducing exposure to noise and toxic cleaning solvents.
4. The need for uniform and equipment modifications during the pregnancy will be considered, and accommodations shall be made to the extent possible.
5. During the pregnancy, it may become necessary for the BPD to evaluate the member's continuing ability to safely and effectively perform the essential functions of her position. In such a case, the BPD may consider whether the pregnancy or a pregnancy-related medical condition poses an undue safety risk and will consult with the member's treating physician and/or the Public Safety Infirmary in making this determination. If the BPD determines that the member's condition unreasonably interferes with her ability to perform in a full-duty capacity, she may be reassigned to maternity duty, described below. Absent unusual circumstances, the member will not be required to take leave.

### **Maternity Duty Option**

During a pregnancy, upon written recommendation of a physician, the pregnant member may request a temporary reassignment to alternative duty. This assignment is referred to as "maternity duty" and is an alternative to the full-duty option described above. Generally, maternity duty will commence at some point during the second or third trimester.

1. Maternity duty will not include work that involves the likelihood of encountering toxic chemicals, such as raids on clandestine drug labs or intensive traffic enforcement, or work that involves a high likelihood of suffering trauma.
2. Absent specific medical considerations, members working maternity duty shall continue in a full-time working status. Consideration will be given to allow for part-time assignments of members whose medical condition may warrant such accommodation.

3. The need for uniform and equipment modifications during maternity duty will be considered, and accommodations made to the extent possible.
4. A member working in a maternity duty status may retain possession of a BPD-issued firearm.

### **Maternity Duty – Defined**

1. Maternity duty may consist of, but is not limited to, the following:
  - 1.1. Non-hazardous assignments,
  - 1.2. Writing police reports,
  - 1.3. Operating a police radio,
  - 1.4. Interviewing persons, and
  - 1.5. Clerical functions.
2. Maternity Duty assignments should avoid the following:
  - 2.1. Alternating shift work,
  - 2.2. Defensive tactics or defensive tactics training,
  - 2.3. Firearms training, except simulated training,
  - 2.4. Patrol duties,
  - 2.5. Extensive exposure to automobile exhaust fumes such as may be experienced with intensive traffic control,
  - 2.6. Standing for more than 30 minute intervals,
  - 2.7. Lifting of more than 25 pounds,
  - 2.8. Exposure to high concentrations of toxins, chemical or infectious agents, or controlled dangerous substances, and
  - 2.9. Prisoner contact.
3. The BPD will consider any specific restrictions identified by the member's physician. Temporary reassignment of eligible pregnant members to maternity duty will be made consistent with the operational needs of the BPD.

### **Continuing Evaluation**

1. Any evaluation made by the BPD's medical advisor/Public Safety Infirmary under this policy shall be limited to a review of the member's medical records, which must be provided by the member, and consultation with the member and/or her physician. The BPD's medical advisor/Public Safety Infirmary will not routinely examine the member for pregnancy-related

matters. In rare instances where medical records supplied by the pregnant member are deemed insufficient to make a determination as to assignment status, the BPD's medical advisor/Public Safety Infirmary may recommend that the pregnant member be examined by an obstetrician-gynecologist or by a physician knowledgeable about obstetrics.

2. Pregnant members shall be permitted to work as long as they are able to perform their jobs and will not be subjected to special procedures to determine their ability to work. If a member becomes unable to perform the functions of her maternity duty assignment, the member will be permitted to take leave in accordance with the BPD's leave policies. If a member has been temporarily absent from work as a result of a pregnancy-related condition and she recovers, she shall not be required to remain on leave until the baby's birth.

### **Return to Work after Maternity Leave**

#### **Commanding Officer's Responsibility**

1. When a member returns to duty after an extended absence of 30 calendar days or more, the member's Commanding Officer shall meet with the member and conduct a reintegration interview. From that interview, a reorientation program shall be developed for the individual member, if necessary, which takes into consideration the unique circumstances of the particular member. For example, a member returning from maternity leave may have missed a firearms qualification. In such cases, the officer's reintegration program should include firearms training/qualification prior to being assigned to the field. In addition, the Commanding Officer should explore with the member whether she will require lactation accommodations. If such accommodations are needed, the Commanding Officer shall promptly contact HRS for assistance with coordinating the accommodations.

#### **Member's Responsibility**

1. When a member, who has been on an extended absence of 30 calendar days or longer due to pregnancy plans to return to work, she shall do the following:
  - 1.1. Request to meet with her Commanding Officer immediately upon returning to work,
  - 1.2. Provide a completed "Fitness for Duty Certification" from her medical provider (See Appendix A "Fitness for Duty Certification" form),
  - 1.3. Assist her Commanding Officer in identifying her individual needs, which may or may not include accommodations needed for lactation, such as reasonable break time and a private room for expressing milk, and limiting exposure to toxic levels of heavy metals and other chemicals, and
  - 1.4. Accomplish all reintegration tasks as directed by her Commanding Officer.

**RESCISSION**

Remove and destroy/recycle Policy 1725, *Pregnancy*, dated 1 July 2016.

**APPENDIX**

A. Fitness for Duty Certification Form

**ASSOCIATED POLICIES**

Policy 1709, *Vacation, Personal and Holiday Leave, Policies and Procedures for Sworn and Civilian Personal*

Policy 1713, *Medical Policy*

Policy 1723, *Maintenance Program for Limited/Light Duty Personnel*

Policy 1726, *Family Medical Leave*

Policy 1727, *Leave of Absence Without Pay*

Policy 1730, *Lactation Accommodations*

Policy 1737, *Accommodation Procedure*

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

**APPENIX A****Fitness for Duty Certification form****FITNESS FOR DUTY CERTIFICATION****Instructions for Health Care Provider:**

Employees of the Baltimore Police Department must provide a completed Fitness for Duty Certification before returning to work following absence from work due to the birth of a child in accordance with General Order Q-26 (Family and Medical Leave) and General Order Q-25 (Pregnancy). An employee may not return to work without this certification. Please provide a response to questions 1 and 2 below.

**Section I: Fitness for Duty Certification**

Your patient, [Employee's Name], began FMLA is scheduled to return to work on [Date] following a leave of absence for the birth of her child.

1. Please indicate the status of the employee's release for duty:

- The employee **may resume work** at this time and is able to perform all essential job functions with or without a reasonable accommodation.
- The employee **may NOT resume work** at this time and is unable to perform all essential job functions.

2. Describe any restrictions and/or accommodations necessary to allow the employee to return to work and to perform the essential job functions:

**Section II: Signature of Health Care Provider**

\_\_\_\_\_  
Name of Health Care Provider  
(Please Print)

\_\_\_\_\_  
Signature of Health Care Provider

*Genetic Information Nondiscrimination Act (GINA) Notice: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other covered entities from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for a medical certification. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, or the genetic information of a fetus or embryo.*