

Chapter

Employment Policies

Article

Pregnancy

PURPOSE

To provide options which allow for an officer, who is pregnant, to remain working in a full-time capacity and performing full-duty assignments, in combination with maternity duty assignments, for as long as reasonably possible. This policy seeks to ensure a woman's right to work free from discrimination and to protect the property interest she has in her job, while guarding against the risks inherent in the performance of her duties.

POLICY

The Department recognizes that its diverse workforce is a valuable asset and that trained and experienced female police officers are a critical resource. Pregnancy is a temporary physical condition, unique to women, which may or may not affect an employee's ability to perform many of the usual duties of her job classification. This policy also establishes procedures to modify full-duty assignments and, when needed, provide temporary, modified duty assignments to pregnant law enforcement officers when they are unable to safely perform all of the essential functions of their normal assignments.

DEFINITIONS

Maternity Duty means a form of restricted duty or modified duty where the employee may complete tasks that take into account the desires of the employee, the recommendations, limitations, or direction of a licensed health-care provider, and practical feasibility considerations of the Department

GENERAL GUIDELINES**Scope**

This policy shall cover all sworn officers and community service officers. Department personnel, who do not serve as a sworn officer or community service officer, will follow the generally applicable city regulations.

Pregnancy Notification and Choice

For public safety and management planning purposes, an officer who becomes pregnant shall notify the Chief through their chain of command and the Police HR Generalist of the pregnancy immediately upon confirmation and decision to continue the pregnancy. Written documentation must be provided by a medical practitioner, including an anticipated due date, if possible. The Chief, the employee's chain of command, and the Police HR Generalist will maintain this information as confidential, to the extent required by law. An officer who becomes pregnant shall have the discretion, subject to limitations in this policy or direction of the Chief, to choose to remain on full-duty or to go on maternity duty.



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Full-Duty Option

During a pregnancy, an officer may be able to continue to work in her usual, full-duty assignment, generally until some point during the second trimester of the pregnancy. Employees must confer with their personal licensed health-care provider, providing him or her with the agency's job description that delineates the essential job functions of a law enforcement officer or community service officer and a copy of this policy.

Both the licensed health-care provider and the employee are expected to consider the risks and benefits of remaining on a full-duty status. The Department will not require an officer to accept a maternity duty assignment at the early stages of pregnancy or to take leave, absent a compelling medical or public safety reason.

The Department will make every reasonable effort to avoid assigning full-duty pregnant employees to units in which the work involves the likelihood of encountering toxic chemicals, such as raids on clandestine drug labs or intensive traffic enforcement. Assignment of pregnant employees to units in which the work involves a high likelihood of suffering trauma should also be avoided.

During the officer's pregnancy, the Department will seek a temporary exemption from firearms qualification requirements. Simulation training and testing should be considered as a preferred alternative to live-fire qualification, if reasonably available.

The need for uniform and equipment modifications during the pregnancy will be considered, and accommodations shall be made to the extent possible.

During the pregnancy, 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 a case, the Department may consider whether the pregnancy creates an undue safety risk to the employee, co-workers, and/or the public. The Department may consult with 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, she may be reassigned to maternity duty, as described below. Absent unusual circumstances, the employee will not be required to take leave.

Maternity Duty Option

During a pregnancy, upon written recommendation of a licensed health-care provider, an employee may request maternity duty. Generally, maternity duty will commence at some point during the second trimester given the current scientific understanding on the development of the fetus and the stress placed on the mother.

- Absent specific medical considerations, employees working maternity duty shall continue in a full-time working status. Consideration will be given to allowing for part-time assignments of employees whose medical condition may warrant such accommodation.
- The need for uniform and equipment modifications during maternity duty will be considered, and accommodations should be made to the extent possible.
- An officer working in a maternity duty status may retain possession of an agency-issued firearm.
- Maternity duty may consist of, but is not limited to, the following:
 - Non-hazardous assignments



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- Writing police reports
- Interviewing persons
- Clerical functions
- Any other modified duty listed in the [Return to Work and Modified Duty Policy](#)
- Maternity Duty assignments should avoid the following:
 - Alternating shift work
 - Defensive tactics training
 - Firearms training, except simulated training
 - Patrol duties
 - Extensive exposure to automobile exhaust fumes such as may be experienced with intensive traffic control
 - Standing for more than 30-minute intervals
 - Lifting of more than 25 pounds
 - Exposure to high concentrations of toxins, chemical or infectious agents, or controlled dangerous substances

The Department will consider any specific restrictions identified by the employee's licensed health-care provider. A decision to place the officer on maternity duty will be made consistent with the operational needs of the Department.

Pregnant employees 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 an employee becomes unable to perform the functions of her maternity duty assignment, the Department may require her to take leave, in compliance with the Family and Medical Leave Act and other applicable laws. If an officer 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.

The employee may elect to take leave if medically warranted and in conformance with applicable Department and City regulations.

Family Medical Leave Act (FMLA)

In no way does this policy affect the privileges of employees under provisions of the FMLA, Fair Labor Standards Act, Americans with Disabilities Act, or any other federal or state law.

