



POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **OFFICER PREGNANCY**

SCOPE: All Sworn Personnel
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PURPOSE: The purpose of this Policy & Procedure is to establish procedures for the Sturgeon Bay Police Department to provide options to allow a pregnant officer to remain working in a full-time capacity and perform her normal duty assignments, in combination with light-duty assignments, for as long as reasonably possible. This Policy & Procedure shall ensure a pregnant officer's right to work free from discrimination and to protect her job interests while guarding against the risks inherent to the performance of law enforcement duties.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. APPLICATION
- III. DEFINITIONS
- IV. PROCEDURES

I. POLICY

- A. The Sturgeon Bay Police 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.

It is the policy of the Department to establish procedures to modify full-duty assignments and, when needed, provide temporary, alternative-duty assignments to eligible pregnant law enforcement officers when they are unable to safely perform all of the essential functions of their normal assignments without unfairly burdening other employees and without violating antidiscrimination law.

II. APPLICATION

- A. This Policy & Procedure shall apply to all sworn female Department personnel.
- B. This Policy & Procedure 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, and any other agency policy or collective bargaining agreement.
- C. If an employee is unable to work in any capacity due to medical complications, existing leave policies will apply.

III. DEFINITIONS

- A. Light-Duty: shall include, but is not limited to, tasks related to administrative duties, desk assignment, and clerical functions. Light-duty shall not include handling of prisoners or combative subjects. Sworn personnel shall perform light-duty solely within the police facility. Civilian light-duty, if unavailable at the Police Department, may be assigned to an alternative city job sight.

IV. PROCEDURES

- A. The Department will provide options that allow a pregnant officer to continue working in her regular-duty assignment or a temporary light-duty assignment for as long as reasonably possible. The Department will ensure the pregnant employee's right to work while guarding against the risks inherent in the performance of her duties.
- B. An officer who becomes pregnant shall notify the Chief of Police or designee as soon as practicable upon confirmation and decision to continue the pregnancy.
 - 1. Upon notification, the employee must provide written documentation by a physician, including the anticipated due date, if possible.

2. The Chief of Police or designee will maintain the confidentiality of this information to the extent permitted and required by law. The information may be provided to a physician appointed by the City or to Department command staff when it is necessary to comply with this directive.
- C. Full-Duty: During a term of pregnancy, the officer may continue to perform her usual, full-duty assignment until she cannot perform the essential functions of a police officer.
1. Employees must confer with their personal physicians, providing him/her with the Department's job description that delineates the essential job functions of a law enforcement officer and a copy of this Policy & Procedure. It would also be beneficial for the physician to review the "Pregnancy" chapter of the ACOEM (American College of Occupational and Environmental Medicine) Guidance for the Medical Evaluation of Law Enforcement Officers.
 2. Both the physician and the employee are expected to consider the risks and benefits of remaining on full-duty status. The Department will not require an officer to accept a maternity-duty assignment at this stage or take leave, absent a compelling medical or public-safety reason.
 3. The Department will make reasonable efforts to avoid assigning full-duty pregnant employees to assignments where they are likely to encounter hazardous, toxic chemicals. This includes, but is not limited to, raids on clandestine labs, intensive traffic enforcement, chemical drug testing, etc. Assignment of pregnant officers to units in which the work involves a high likelihood of suffering trauma should also be avoided.
 4. The Department shall temporarily exempt the pregnant employee from firearms qualifications. Simulation training and testing can be used as a preferred alternative to live-fire qualification.
 5. The need for uniform and equipment modifications during the pregnancy will be considered, and accommodations shall be made to the extent possible.
- D. Maternity Duty: As indicated above, a pregnant officer will continue her full-duty assignment until she cannot perform the essential job functions of a police officer. However, upon written recommendation of a physician, a pregnant officer may request temporary reassignment to maternity duty.
1. In addition to an officer's request for maternity duty, the Department may have occasion to evaluate the pregnant officer's ability to safely and effectively perform the essential functions of her job. In determining whether the officer can perform essential functions, the Department may consider whether the officer's condition creates an undue safety risk to the officer, fellow officers, or general public.
 2. The Department may consult with the officer's physician or request a consultation by a Department-approved physician.

The consultation shall be limited to a review of the officer's medical records, which must be provided by the officer, and consultation with the officer and/or her personal physician. If the Department concludes that the officer's pregnancy unreasonably interferes with her ability to perform full duty activities, the Department may assign the officer to maternity duty.

3. 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.
4. 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.
5. An officer working in a maternity duty status may retain possession of an agency-issued firearm. The qualification modifications described in Section IV, C. 4 apply.
6. Maternity Duty Defined:
 - a) Maternity duty may consist of, but is not limited to, the following:
 - (1) Nonhazardous assignments
 - (2) Writing police reports
 - (3) Operating a police radio
 - (4) Interviewing persons
 - (5) Clerical functions
 - b) Maternity duty assignments should avoid the following:
 - (1) Alternating shift work
 - (2) Defensive tactics or defensive tactics training
 - (3) Firearm training, except simulated training
 - (4) Patrol duties
 - (5) Extensive exposure to automobile exhaust fumes such as may be experienced with intensive traffic control/toll plaza/tunnel duty.
 - (6) Standing for more than 30 minute intervals.
 - (7) Lifting more than 25 pounds.

- (8) Exposure to high concentrations of toxins, chemical or infectious agents, or controlled dangerous substances.
7. The agency will consider any specific restrictions identified by the employee's physician. Temporary reassignment of eligible pregnant members to maternity duty will be made consistent with the operational needs of the Department.
8. A pregnant officer shall be permitted to work as long as she is able to perform her job duties. If the pregnant employee becomes unable to perform the tasks of the maternity duty assignment, the Department may require the officer to take leave in compliance with the Family and Medical Leave Act and other applicable law. If an officer is temporarily absent from work as a result of a pregnancy-related issue and the officer recovers, the Department shall not require the officer to remain on leave until the child's birth.
9. An officer may elect to take leave because of a pregnancy-related medical issue. The officer may take such leave if medically warranted and in accordance with Department regulations and procedures. The pregnant officer shall be treated the same as any other employee seeking leave because of any other physical or medical condition.

E. FIREARMS DURING PREGNANCY

1. During the course of her pregnancy, the pregnant officer will retain possession of her firearm. However, once notified of the pregnancy, the Department shall exempt the officer from firearms qualifications during the course of the pregnancy.

F. RETURN FROM MATERNITY LEAVE

1. Employer's Responsibility: Upon returning from a maternity leave or an extended placement on maternity duty, the employee's commanding officer shall meet with the employee and conduct a reintegration interview. From that interview, a reorientation program shall be developed for the individual employee that takes into consideration the unique circumstances of the particular employee. For example, an officer returning from maternity leave may have been exempt from firearms qualification for approximately one year. In such cases, the officer's reintegration program should include firearms training/qualification prior to being assigned to the field.
2. Employee's Responsibility: When an employee who has been on an extended absence of 30 calendar days or longer due to pregnancy plans to return to work, she shall:
 - a) Request to meet with her shift supervisor immediately upon returning to work;

- b) Provide documentation of medical fitness for duty; subject to review by the agency's medical advisor;
- c) Assist her shift supervisor in identifying her individual needs, which may or may not include accommodations needed for lactation, such as a private room and use of a refrigerator, and limiting exposure to toxic levels of heavy metals and other chemicals; and
- d) Accomplish all reintegration tasks as directed by her shift supervisor.

Arleigh Porter
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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