

LITTLETON POLICE DEPARTMENT

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PROCEDURE #: 18-1

SUBJECT: Pregnancy

Statutory Authority: N/A

NOTE: This written directive is for the internal governance of the Littleton Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

Date of issue

02-15-2018

Issuing Authority

Chief Paul Smith

Effective Date

02-15-2018

Distribution

All

I. PURPOSE

The goal of this policy is to provide options which allow for an officer to remain working in a full-time capacity and performing full-duty assignments, in combination with alternative 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.

II. POLICY

The Littleton 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. This policy establishes 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.

III. PROCEDURES

A. General Guidelines

1. This policy applies to all female law enforcement officers who have successfully met conditional employment requirements.
2. 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 and any other Littleton Police Department policy or collective bargaining agreement.
3. If an employee is unable to work in any capacity due to medical complications, existing leave policies will apply.

B. Notification Procedures

For public safety and management planning purposes, an officer who becomes pregnant shall notify the Chief of Police or an authorized designee 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 of Police should maintain this information as confidential, to the extent permitted and/or required by law. However, this information may also be provided to the human resources department, the Littleton Police Department medical adviser and to Littleton Police Department personnel as necessary to comply with this policy.

C. Full-Duty Option

1. During a pregnancy, an officer may be able to continue to work in her usual, full-duty assignment until some point during the second trimester of the pregnancy. Employees must confer with their personal physicians, providing him or her with the Littleton Police Department's job description that delineates the essential job functions of a law enforcement officer and a copy of this policy. 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 a full-duty status. The Littleton Police Department will not require an officer to accept a maternity duty assignment at this stage or to take leave, absent a compelling medical or public safety reason.
3. The Littleton Police 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.
4. During the officer's pregnancy, the Littleton Police Department should seek a temporary exemption from firearms qualification requirements, whether those requirements arise from state law or Littleton Police Department regulation. If an exemption is not available, the Littleton Police Department shall arrange for alternative firearms qualification, such as providing non-toxic, lead-free ammunition, reducing exposure to noise and toxic cleaning solvents. Simulation training and testing should be considered as a preferred alternative to live-fire qualification, if reasonably available.
5. The need for uniform and equipment modifications during the pregnancy will be considered, and accommodations shall be made to the extent possible.
6. During the pregnancy, it may become necessary for the Littleton Police Department to evaluate the employee's continuing ability to safely and effectively perform the essential functions of her position. In such a case, the Littleton Police Department may consider whether the pregnancy creates an undue safety risk to the employee, co-workers, and/or the public. The Littleton Police Department may consult with the Littleton Police Department physician and/or the employee's physician in making this evaluation. If the Littleton Police Department 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 in section D. Absent unusual circumstances, the employee will not be required to take leave.

D. Maternity Duty

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

- b. 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.
 - c. The need for uniform and equipment modifications during maternity duty will be considered, and accommodations should be made to the extent possible.
 - d. An officer working in a maternity duty status may retain possession of a Littleton Police Department-issued firearm. The qualification modifications described in section C.4 apply.
2. Maternity Duty – Defined
- a. Maternity duty shall include limitations outlined in the Light Duty Policy and 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) Firearms 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 of more than 25 pounds
 - (8) Exposure to high concentrations of toxins, chemical or infectious agents, or controlled dangerous substances
 - c. The Littleton Police Department 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 Littleton Police Department.

E. Continuing Evaluation

- 1. Any evaluation made by the Littleton Police Department's 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 Littleton Police Department's medical advisor will not routinely examine the employee for pregnancy-related matters. In rare instances where medical records supplied by the pregnant employee are deemed insufficient to make a determination as to assignment, the Littleton Police Department's medical advisor may recommend that the pregnant employee be examined by an obstetrician-gynecologist or by a physician knowledgeable about obstetrics.
- 2. 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 Littleton Police Department may require her to take leave, in compliance with the Family and Medical Leave Act and other applicable law. 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 such leave if medically warranted and in conformance with applicable employer regulations and procedures. The pregnant employee shall be treated the same as any other employee voluntarily seeking leave and/or sick pay because of any other physical condition.

F. Return to Work after Maternity Leave

1. Employer's Responsibility

When an employee returns to duty after an extended absence of 30 calendar days or more, the employee's Chief of Police or designee shall meet with the employee and conduct a reintegration interview. From that interview, a reorientation program shall be developed for the individual employee, if necessary, which 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 do the following:

- a. Request to meet with her Chief of Police or designee immediately upon returning to work.
- b. Provide medical documentation of medical fitness for duty, subject to review by the Chief of Police, human resources and the Littleton Police Department's medical advisor.
- c. Assist the Chief of Police or designee in identifying her individual needs, which may or may not include accommodations needed for lactation, such as a private room, use of a refrigerator, and limiting exposure to toxic levels of heavy metals and other chemicals.
- d. Accomplish all reintegration tasks as directed by her Chief of Police and the light duty policy.

Sources

IACP Model Pregnancy Policy 2010

Re-written By

Paul J. Smith

Reviewed Date

Revised

Authorized By:

Paul Smith
Chief of Police