



Pregnancy Policy

I. PURPOSE

The federal Pregnancy Discrimination Act (PDA) requires employers to treat “women affected by pregnancy, childbirth, or related conditions” the same “as other persons not so affected but similar in their ability or inability to work.” The PDA was intended to “guarantee women the basic right to participate fully and equally in the workforce, without denying them the fundamental right to full participation in family life.” The goal of this policy is to provide options which allow for an deputy sheriff 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 establish a reasonable balance between a women’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 Ridgely Police Department recognizes that its diverse workforce is a valuable asset and that trained and experienced female 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 sworn Officers when they are unable to safely perform all of the essential functions of their normal assignments.

III. PROCEDURE

A. General Guidelines

1. This policy applies to all female law enforcement Officers who have successfully met entry-level probation 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, any other Ridgely 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.

General Order No. 2-11 (Cont.)

B. Notification Procedures

For public safety and management planning purposes, a deputy sheriff who becomes pregnant shall notify the Chief of Police or his 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 designated attendance control officer of the Ridgely Police Department, the Town of Ridgely Human Resources Division, and to Ridgely 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 through approximately the fifth month of pregnancy. Employees must confer with their personal physicians; provide him/her with the Ridgely Police Department's job description, which delineates the essential job functions of a sworn Officer, and a copy of this policy. Both the physician and the employee are expected to consider the risks and benefits of remaining in a full-duty status. The Ridgely 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. The Ridgely Police Department assumes no special responsibility for any medical risks associated with the pregnancy, whether or not they relate to duty assignment.

2. The Ridgely 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 or training programs (e.g. defensive tactics) in which the work involves a high likelihood of suffering trauma should also be avoided.

3. During the Officer's pregnancy, the Ridgely Police Department should seek a temporary exemption from firearms qualification requirements through the Maryland Police and Corrections Training Commission (MPCTC), whether those requirements arise from State law or Ridgely Police Department regulations. If an exemption is not available, the Ridgely Police Department shall arrange for alternative firearms qualification, such as providing non-toxic, lead-free ammunition, reducing exposure to noise and to toxic cleaning solvents. Simulation training and testing should be considered as a preferred alternative to live fire qualification, if reasonably available.

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

General Order No. 2-11 (Cont.)

5. During the pregnancy, it may become necessary for the Ridgely Police Department to evaluate the employee's continuing ability to safely and effectively perform the essential functions of her position. In such case, the Ridgely Police Department may consider whether the pregnancy creates an undue safety risk to the employee, co-workers and/or the public. The Ridgely Police Department may consult with the Ridgely Police Department physician and/or the employee's physician in making this evaluation. If the Ridgely 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 in section D. below. 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 alternative 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 Ridgely Police Department-issued firearm. The qualification modifications described in section C.3 apply.

2. *Maternity Duty - Defined*

- a. Maternity Duty may consist of, but is not limited to the following:
 - (1) Non-hazardous assignments
 - (2) Writing police reports
 - (3) Operating a police radio
 - (4) Interviewing persons
 - (5) Clerical functions

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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
- (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

3. The Ridgely 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 Ridgely Police Department.

E. *Continuing Evaluation*

1. Any evaluation made by the Ridgely 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 Ridgely 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 Ridgely Police Department's medical advisor may recommend that the pregnant employee be examined by a board certified obstetrician-gynecologist.

2. Pregnant employees shall be permitted to work as long as they are able to perform their jobs, and will not be singled out for special procedures to determine their ability to work. If an employee becomes unable to perform the functions of her Maternity Duty assignment, the Ridgely 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 then 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, and 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.

General Order No. 2-11 (Cont.)

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 Supervisor 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:

- a. Request to meet with her Commanding Officer immediately upon returning to work;
- b. Provide medical documentation of medical fitness for duty, subject to review by the Ridgely Police Department medical advisor;
- c. Assist her Supervisor 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; and,
- d. Accomplish all reintegration tasks as directed by her Supervisor.