

# UW Whitewater Police



Pregnancy		Number: 22.3.7	No. Pages: 4
Special Instructions:			
Approved By: Chief Kiederlen	Effective Date: 1/8/2015	Revised Date: 8/9/22	Revision number: 2

## I. Purpose

The purpose of this policy is to provide options that 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. Definitions

**Pregnancy:** The development of one or more offspring, that creates a temporary physical condition.

**Full-Duty:** Listed position description of the employee.

## III. Policy

The UW-Whitewater Police Department (UWWPD) 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 as available to eligible pregnant law enforcement officers when they are unable to safely perform all of the essential functions of their normal assignments.

## IV. Procedure

### A. General Guidelines

1. This policy applies to all female law enforcement officers who have successfully met 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 and any other agency policy or agreement.
3. If an employee is unable to work in any capacity due to medical complications, existing leave policies will apply.

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## **B. Notification Procedures**

1. For public safety and management planning purposes, an officer who becomes pregnant should notify the chief or designee of the pregnancy once the officer believes they are at a point where it may affect their work. The officer needs to keep in mind that if the Department is unaware of the pregnancy, they could inadvertently be assigned duties where they could be exposed to toxic chemicals such as in drug lab raids. Therefore, notification is an important element.
2. Written documentation must be provided by a medical practitioner, including an anticipated due date, if possible. The chief or designee shall maintain this information as confidential, to the extent permitted and/or required by law.

## **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 pregnancy. Employees should confer with their personal physicians, providing him or her with the agency's job description that delineates the essential job functions of a law enforcement officer and a copy of this policy. For the safety of the Officer and to provide knowledge to their physician we recommend that they have their physician 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 agency 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 agency 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. This is why notification to the Chief upon knowing an Officer is pregnant is critical.
4. During the officer's pregnancy, the agency should seek a temporary exemption from firearms qualification requirements, whether those requirements arise from state law or agency regulation. If an exemption is not available, the agency shall arrange for alternative firearms qualification, such as providing nontoxic, lead-free ammunition, and 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 will be made to the extent possible.
6. The agency has the responsibility to evaluate the employee's continuing ability to safely and effectively perform the essential functions of her position and to consider whether the pregnancy creates an undue safety risk to the employee, co-workers,

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and/or the public. The agency may consult with the agency physician and/or 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 in section D.

## **D. Maternity Duty/Alternative 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.
  - 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 is allowed to carry their firearm while in the police department, but while outside of the police department in a public setting will carry their firearm concealed. An officer working in a maternity duty status is not required to carry their firearm while on duty.

## **E. Continuing Evaluation**

1. Any evaluation made by the agency'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 employee will utilize the reasonable accommodation process of the University.
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 agency may require her to take leave, in compliance with the Family and Medical Leave Act and other applicable law.

## **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 will meet with the employee and conduct a reintegration interview, a reorientation program will be developed which takes into consideration the unique circumstances of the particular employee. For example, an officer returning from maternity leave may

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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 will use the following procedure:
  - a. Request to meet with her supervisor immediately upon returning to work;
  - b. Assist her supervisor in identifying her individual needs.
  - c. UWWPD will follow the UW-Whitewater policy on lactation and breast pumping if the employee requests it.