

La Palma Police Department
Pregnant Patrol Officer

Question:

I have a pregnant patrol officer whose personal physician restricted her to light duty immediately upon discovery, during the term of her pregnancy. We are a small agency with no light duty assignments of that duration. Reassigning her to Detectives is not an option nor do I have any other assignments where I could place her that would not involve an enforcement role of some sort. She does not have enough sick and vacation time to use, and she really doesn't want to be placed on unpaid leave. I'm curious as to what other agencies, particularly those under 40 sworn have done in similar circumstances.

*Vince Giampa
La Palma Police Department*

Responses:

- This is one you want to move very cautiously on. There are rights afforded a pregnant employee that far outweigh the concerns that you have expressed. I advise you check with your City Attorney and determine what "reasonable accommodation" must be made for the employee. We have tried to accommodate pregnant employees. We have done so by assigning them to the desk, to some assignments in detectives, or to dispatch. I do not pretend to be an expert on this topic, but I do know it is not the typical light duty situation.
- I have had a similar situation here. I put the involved officer on a telephonic report taking assignment for the duration. It worked out very well for my department and reduced the number of menial calls that patrol officers had to respond to. The officers really enjoyed it too!!! We are 25 sworn, 44 employees total.
- We are going thru the exactly same issue complexed by a workers comp claim.
- We placed her in the records division since her doctor was very specific as to what she can and cannot do. Once that was established, I placed her where we could benefit using her. Our property clerk is part time and we always need to purge so I assigned her to the Support Supervisor to assist the property clerk in CJIC research for dispos. This is a tedious time consuming job and it really helped the property clerk in the purging process.

- Originally I tried to have her augment patrol by doing walk in self surrenders, registrants, etc. but her doctor kept sending notes in limiting even more, her job function.

- We have an 18 person department and I'm in the same predicament. However, I learned from my former agency when we first encountered the pregnant cop issue. We would assign them to either dispatch, the front desk or community services, or have them assist with office work, which is always of abundance. As a matter of fact, our first pregnant cop wrote the Pregnancy Policy.

- In my current agency, if one of my female officers became pregnant, I would assign them to assist with cold follow-ups from the office, dispatch, or assist with the many mundane jobs that we have available and can't get to due to lack of staffing. Like purging files, developing or revising policies, etc.

- We are 38 sworn, and I actually was a sergeant when I got pregnant. I have 8 other female officers so we knew whatever the Chief did with me would set precedence. I worked in the field (because I wanted to and wasn't showing) until I was 5 months pregnant. After that, I was assigned as the training manager, did background investigations, and re-wrote the General Orders, and the Admin Sergeant was assigned to Patrol.

- One of my female officers was pregnant, and we had an opening in communications, so we put her there and now she is a pre-diem dispatcher. We do not assign them to detectives, since detectives are required to function fully as a police officer.

- Since Pregnancy is not a disability, we did not consider this light duty. We went through this also with a female officer and denied her an alternative assignment initially, then reconsidered since they want to accommodate women in this pregnancy position, and again it is not a light duty assignment related to disability.

- I strongly believe in accommodation if you want women in the work-place, and clearly, you can separate the disability/light duty aspect from a pregnancy accommodation. When on unpaid leave, she will also have to pay for her own medical (which is costly), and most people want to use their leave for after the baby is born, not to sit home and wait. I used a combination of sick and vacation for 6 months after my baby was born. This City was very generous, and they have dedicated female employees because of it.

- A while back, we had a similar situation...her doctor allowed her to work accident investigation.

- We are much larger, but we've had great assistance with officers taking phone reports (which relieves field officers), special projects like crime analysis for auto burglary crimes, reassignment to assist detectives, etc.

- We are 27 sworn and 11 non-sworn for a total of 38. We have had a few instances of pregnancies over the years. Some by dispatchers and some by female officers. I've always been able to come up with something for the pregnant officers to do whether it be automated records conversions, non-field contact detective follow-ups or research, policy review (those projects that get put on the back burners), training file updates, non-poisonous evidence room organization, etc... In the cases of a pregnant dispatcher, they can continue in their present position. One time we had a dispatch opening and filled it temporarily with a pregnant sworn officer. She gladly took the opportunity rather than burning sick leave.

- In some instances we had a pregnant officer help out the personnel and finance departments in city hall for a handful of months. Since the officer is a city employee, she could really be used in any ancillary position in any department in the city if they needed the help and if the city manager approved. I found that in some instances, it helps out other departments within the city, improves morale and extends a feeling of still being a part of the overall team for the pregnant employee.

- I have five female officer out of 28 sworn officers, we have had seven pregnancies, most of which involved complications. The officers were assigned into the office on a light duty status. They have assisted in evidence, detectives (on follow-up which involve no risk mostly phone interviews or victim and witness interviews), they have been assigned to the administrative commander to assist with any projects that they need to develop and finally we have assigned them to records were they took counter reports and assisted the records supervisor. We allow the officer to use all sick vacation and comp. time if she is not allowed to work by the doctor. If they use all their time we allow them an unpaid leave of absence until the doctor allows them to return to work. We have had this policy for over 17 years, we have not had any problem and generally the employee is very thankful that the city allowed them this option.

- While we have 90+ sworn, we have found light duty assignments for our female officers for many years as long as their doctors approve. The assignments range from non-enforcement detective work (e.g. phone calls, paperwork, etc.), working on special projects (e.g. arranging for training, revising procedures, working on the budget, etc.) to assisting at our front desk. This has worked very well for us and has allowed us to keep morale up, keep the employees active and productive and works well for all concerned.

- We have 17 sworn and have had in the past an officer on light duty for a year. That officer was there prior to my arrival and been just kind of there as a

paid staff, doing whatever. Because this officer only had a knee injury, he was assigned to small investigations and station duties as assigned. This was a workers comp issue, but I took a look at the light duty issue as well.

- While we are a larger department, 147 sworn, we have no permanent light duty assignment. However, when it comes to female officers who are pregnant we accommodate them by placing them in our dispatch center. I do not know if you do your own dispatching or not, but we are always short in dispatch and it fills a void, thus avoiding a lot of overtime pay. It does not take to long to train an officer to be a dispatcher.

- We had an officer in a similar but not exactly the same situation. Our female officer became pregnant and her doctor advised us she was an "at risk" pregnancy and needed to go on light duty immediately. Since we don't have permanent light duty assignments, we considered this to be a non-work related disability and the officer went on LTD almost immediately after becoming pregnant. Our officer's LTD plan required them to use 80 hours of vacation (GL) time and then the LTD plan kicked in. I don't know how your LTD plan works but perhaps that is an option.

- Currently I have 1 Patrol officer, 1 Lt. and 1 Sgt who are pregnant. I try to utilize my patrol officer anywhere I can. You say Detectives is not an option but she may be able to do telephone contacts for follow up so your Detectives are available for other cases; or utilize her as a dispatcher or call taker, as a front desk officer or as an assistant to personnel and training.

- My feeling is that I will still have to pay her so why not use her and there is no setting of precedence because you are using her at different assignments. It is a pain but can be done even if you loan her out to City Hall if they are short personnel and there are no provisions in your MOU that you can't do this.

- I have only one female sworn sergeant and her kids are older so I haven't faced the problem, (35 sworn). But, I spent 28 years at LAPD and was in charge of Personnel at one time. I don't think you have a choice. Even if her doctor didn't put her on restricted duty, you know she is temporarily disabled and you should remove her from field duties ASAP. Otherwise, you are exposing yourself unnecessarily. You've got to find some type of light duty assignment - if not in detectives, staffing the desk, dispatch, somewhere. Your only other options are to keep her in a full duty assignment or terminate her for being medically unfit which could have horrible public relations consequences as well as probably being in violation of all types of ADA and other federal laws. I would look at finding her some type of meaningful work that filled a department need – it may have to be clerical, but at least you are getting work out of her and she will have a sense of contributing. If I was confronted with that here I would first look to detectives and have her work on old cases, or put her on a PM watch desk/records.

- If you have real good working relationships with the city you might consider a temporary assignment to another department for a specified time. Perhaps public works, personnel, administration, or finance could use some paper shuffling help for a few weeks. I have sent cops to other departments to "help out". Usually PD employees are responsible good performers and the help is appreciated. In our city, this idea has worked out fairly well.

- Although we are a larger agency, we have had to deal with pregnant officers a few times. In the first instance, the officers were assigned to the Watch Commander's office, I believe primarily on graveyard shift. Our most recent case, the officer was assigned as a Desk Officer inasmuch as we have a large volume of desk traffic. Other than that, there have been no other light duty assignments for pregnant officers.

- In the past, we have used our pregnant female officers in the front office and in dispatch so they could continue to receive their full pay. They provided a valuable asset in that we did not have to call officers into the station to take reports etc. We have also used them to conduct background investigations for reserve and regular officers.

This sample Pregnancy Policy was provided by the Concord Police Department

A. POLICY STATEMENT

1. The Concord Police Department values the health and welfare of its employees. It is with that organizational value in mind that this maternity leave policy was developed. The policy strives to provide the utmost protection for the expectant mother during her pregnancy by removing her from the foreseeable dangers of the police field environment. The policy is designed to be consistent with Citywide Maternity Leave Policy.

B. APPLICATION

1. The Concord Police Department is bound by and adheres to the City of Concord's family and medical leave policy.

.01 This departmental policy is not intended to modify or contradict the city policy and only supplements the city policy by addressing additional issues that apply only to "in-field" and/or "hands-on" law enforcement personnel, including sworn officers, jailers, uniformed/in-field community service officers and traffic interns.

2. The term "officer" used throughout this policy applies to all "hands-on" or "in-field" personnel, including Corporals, Sergeants, Lieutenants, Captains and the Chief.

3. Police department personnel not in "in-field" or "hands-on" law enforcement positions are not covered under this policy and are subject to the provisions of the city policy. The City of Concord policy covers and includes dispatchers, records personnel, secretaries and all other clerical staff.

C. NOTIFICATION

1. An officer, immediately upon discovering that she is pregnant, *shall* inform her immediate supervisor and the Office of the Chief of Police in writing unless that officer elects to terminate her pregnancy within the first three months of pregnancy.

2. The Chief of Police may request medical confirmation.

D. CHANGE OR MODIFICATION OF ASSIGNMENT

1. Absent any medical complications and/or a medical recommendation to the contrary, an officer, in her discretion, may continue in her current unmodified assignment for the first three months of pregnancy.

2. The Chief of Police may request a medical recommendation in writing.

.01 If the recommendation is requested, the doctor shall be provided with a full written description of the requirements and duties of the officers' assignment prior to the recommendation.

.02 The doctor may be specifically designated by the City of Concord.

3. A pregnant officer *shall* be assigned according to the following:

.01 PATROL/TRAFFIC BUREAU

.001 It is the police department's *recommendation* that an officer assigned to patrol or to the traffic bureau be *immediately* reassigned to a light/limited duty position.

.002 The light/limited duty position will be at the discretion of the Chief of Police and will be determined by the needs of the department.

.003 After the first three months of pregnancy, a patrol or traffic officer *shall* be reassigned to a light/limited duty assignment.

.004 After the first three months of pregnancy, the officer *shall not* work in any uniformed position or capacity.

.02 DETECTIVE BUREAU

.001 It is the police department's *recommendation* that an officer assigned to a Detective Bureau (i.e., Crimes Property, Crimes Persons, Youth Services Bureau) be *immediately* restricted to limited duty.

.002 After the first three months of pregnancy, an officer assigned to one of the Detective Bureaus may continue in her assignment on a limited duty status.

.0001 The officer may not participate in the serving of warrants.

.0002 At the discretion of the officer and the bureau supervisor, the officer may be limited in suspect and in-field contacts.

.0003 The officer *shall not* work in any uniformed position or capacity.

.03 CRIME SCENE INVESTIGATIONS/PROPERTY BUREAU

.001 It is the police department's *recommendation* that an officer assigned to Crime Scene Investigations be *immediately* restricted to limited duty or reassigned to a limited/light duty position.

.002 After the first three months of pregnancy, a Crime Scene Investigator *shall*, at the discretion of the officer and the bureau supervisor, *either*:

.0001 continue in her assignment on a limited duty status *or*

.0002 be reassigned to another limited/light duty position at the discretion of the Chief of Police.

.003 Whether an officer is put on limited duty in the bureau or reassigned to another position will be determined by the wishes of the officer and the bureau supervisor and by the needs of the bureau.

.004 If a difference of opinions exists, the Chief of Police will make the decision.

.005 If an officer remains in the bureau, the officer *shall not* handle or knowingly come in contact with any dangerous or controlled substance that may harm the developing fetus.

.006 If an officer remains in the bureau, the officer *shall not* work in any uniformed position or capacity.

.007 The officer *shall not* handle or knowingly come in contact with any dangerous or controlled substance that may harm the developing fetus.

.04 SPECIAL INVESTIGATIONS BUREAU

.001 It is the police department's *recommendation* that an officer assigned to Special Investigations be *immediately* restricted to limited duty or reassigned to a limited/light duty position.

.002 After the first three months of pregnancy, a Special Investigations Officer *shall*, at the discretion of the officer and the bureau supervisor, *either*:

.0001 continue in her assignment on a limited duty status *or*

.0002 be reassigned to another limited/light duty position at the discretion of the Chief of Police.

.003 Whether an officer is put on limited duty in the bureau or reassigned to another position will be determined by the wishes of the officer and the bureau supervisor and by the needs of the bureau.

.004 If a difference of opinions exists, the Chief of Police will make the decision.

.005 After the first three months of pregnancy, an officer assigned to Special Investigations may continue in her assignment on a limited duty status.

.0001 The officer may not participate in the serving of warrants.

.0002 At the discretion of the officer and the bureau supervisor, the officer may be limited in suspect and in-field contacts.

.0003 The officer *shall not* handle or knowingly come in contact with any dangerous or controlled substance that may harm the developing fetus.

.0004 The officer *shall not* work in any uniformed position or capacity.

.05 SPECIAL ENFORCEMENT TEAM

.001 It is the police department's *recommendation* that an officer assigned to the Special Enforcement Team (SET) be *immediately* reassigned to a light/limited duty position.

.002 The light/limited duty position will be at the discretion of the Chief of Police and will be determined by the needs of the department.

.003 After the first three months of pregnancy, the SET officer *shall* be reassigned to a light/limited duty assignment.

.004 After the first three months of pregnancy, the officer *shall not* work in any uniformed position or capacity.

.06 FOOT PATROL AND SCHOOL RESOURCE OFFICERS

.001 It is the police department's *recommendation* that foot patrol and school resource officers are *immediately* reassigned to a light/limited duty position.

.002 The light/limited duty position will be at the discretion of the Chief of Police and will be determined by the needs of the department.

.003 After the first three months of pregnancy, the foot patrol or school resource officer *shall* be reassigned to a light/limited duty assignment.

.004 After the first three months of pregnancy, the officer *shall not* work in any uniformed position or capacity.

.07 D.A.R.E. OFFICERS

.001 It is the police department's *recommendation* that an officer assigned to the D.A.R.E. program no longer wear her police uniform while pregnant.

.002 After the first three months of pregnancy, the officer *shall not* wear her police uniform while teaching or otherwise performing her D.A.R.E. responsibilities.

.003 After the first three months of pregnancy, the officer *shall not* work in any uniformed capacity or position.

.08 ADMINISTRATIVE POSITIONS

.001 Officers assigned to administrative positions may continue in their positions throughout their pregnancy.

.002 The police department *recommends* than an officer *immediately* cease working in any uniformed capacity or position.

.003 After the first three months of pregnancy, the officer *shall not* work in any uniformed capacity or position.

E. REINSTATEMENT (POST PREGNANCY)

1. An officer is considered eligible for reinstatement when she is *either*

.01 No longer pregnant *or*

.02 After the birth of the child, is no longer disabled and has been medically cleared to return to full-time status.

2. If an officer is temporarily unable to fully perform the duties of her position as *an officer*, but has been otherwise medically released to return to full time work, the officers' reassignment and position in the department will be determined on a case-by-case basis by the Chief of Police.

.01 For example, a breast-feeding mother that has been released to return to work but cannot wear the police safety vest because of complications arising from lactation.

.02 Such a limitation will require medical confirmation and, if possible, an estimation of how long the condition will exist.

3. When an officer has returned to full-time, unrestricted duty, the officer shall be reinstated to the position she occupied prior to her pregnancy without penalty unless:

.01 Her assignment to the position has naturally expired *or*

.02 The position has been eliminated.

4. The status of officers who are on probation during pregnancy and/or subsequent related conditions will be determined on a case-by-case basis by the Chief of Police.

.01 The Chief of Police *shall* consider factors such as the amount of probationary time remaining and the attendance, performance and evaluations of that officer prior to pregnancy.

.02 The Chief of Police *may* elect to extend the officer's probationary period until that officer has returned to full-time, unrestricted duty and has satisfactorily completed the required probationary period on patrol.

F. DISABILITY

1. All of the above provisions only apply to officers who are not medically disabled due to pregnancy.
2. Medically disabled officers will fall under the auspices of the federal Family Medical Leave Act and/or the California Pregnancy Disability Act as interpreted and applied in the City of Concord's Policy and Procedure #77.

G. AMOUNT OF LEAVE AVAILABLE

The amount of leave available for pregnancy, childbirth, adoption, foster-care placement, or related conditions is explained in Concord Policy and Procedure #77, section 4.