

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

May 15, 2015

Policy Number 3.32

NONDISCRIMINATION AND REASONABLE ACCOMMODATION DURING PREGNANCY

POLICY

- I. To acknowledge that, while the nature of police work is hazardous, it is the decision of the pregnant employee, as long as she is fit for duty, to perform regularly assigned duties during pregnancy.
- II. These guidelines are prepared to encompass the following principles:

No employee shall be discriminated against due to pregnancy, childbirth, or related conditions. Reasonable accommodations will be made to the extent possible and pursuant to the applicable law.

PROCEDURE

- I. DISCRIMINATION PROHIBITED
 - A. The law and this policy specifically prohibit discrimination during pregnancy, childbirth, or related conditions.
 - B. All employees are to be afforded the opportunity to perform their jobs free of discrimination, harassment, or retaliation.
 - C. A pregnant employee will be allowed to continue performing her regularly assigned duties during pregnancy for as long as she chooses or is determined to be able.
- II. REASONABLE ACCOMMODATION
 - A. The reasonable accommodation process begins when an employee makes known a need for accommodation. There will be no assumption that an accommodation is needed until the employee makes a request.

- B. When requested, the department will seek to provide a reasonable accommodation to pregnancy, childbirth, or related conditions.
- C. Requests for reasonable accommodation due to pregnancy, childbirth, or related conditions will be handled in the same way that other requests for accommodation due to temporary medical conditions are handled.
- D. A determination of whether an accommodation is reasonable will be made by the Chief of Police or designee. The Chief of Police shall take into consideration the request by the employee and her private physician, as well as the recommendations of the city and county physician, as appropriate.

III. NOTIFICATION

- A. Notification to the employer of pregnancy is optional and made at the employee's own discretion.
- B. Notification and appropriate documentation are required when an accommodation due to a pregnancy-related condition is requested. It is the responsibility of the employee to obtain the necessary and appropriate documentation of any work-related limitations or restrictions and recommended accommodations.
- C. At any time that it is determined by the Chief of Police that an employee is unable to perform the essential functions of the job, the employee may be directed to undergo a fitness-for-duty evaluation. This review shall not be ordered simply because of pregnancy, childbirth, or related conditions. The standard procedures for a fitness-for-duty review and determination shall be followed.

IV. DUTY/WORK ASSIGNMENT DURING PREGNANCY

- A. It will not be assumed that pregnancy by itself yields the employee unfit for duty. Pregnant employees will be allowed to perform the full range of duties and participate in benefits of special duty and/or overtime during pregnancy as long as they are able, unless and/or until:
 - 1. A reasonable accommodation is requested by the employee that affects her ability to perform the full range of duties and/or participate in special duty and/or overtime; or
 - 2. The employee is determined by the city and county physician to be unable to perform her regularly assigned duties. Standard procedures for a fitness-for-duty review and determination will be followed.
- B. Among the accommodation options available during pregnancy, the employee may request limited duty, light duty, or any authorized leave of absence (e.g., sick leave, vacation leave, or leave without pay). An accommodation (such as limited or light duty) is granted at the discretion of the Chief of Police, when the work is available and when it serves the need of the department in fulfilling its mission and purpose.
- C. A determination of fitness for duty will be made by the city and county physician with the consultation of the employee's private physician.
- D. The determination of whether an accommodation is reasonable will be made by the Chief of Police. The Chief of Police shall take into consideration the request by the employee and her private physician, as well as the recommendations of the city and county physician, as appropriate.

V. UNIFORMS/ATTIRE

- A. Where it can be safely and appropriately accommodated, the wearing of alternative uniforms may be authorized. Employees needing this accommodation may request approval from the Chief of Police to purchase and wear an alternative uniform.

- B. An alternative uniform for employees may include (but is not limited to) a utility uniform. Only uniforms meeting departmental specifications shall be allowed. The cost of the alternative uniform shall be the responsibility of the employee, subject to departmental policy and, if applicable, appropriate collective bargaining unit agreement.

VI. LEAVE OF ABSENCE

- A. An employee determined unable to return to duty or who cannot be reasonably accommodated due to pregnancy, childbirth, or related conditions will be provided a leave of absence.
- B. During a pregnancy-related leave of absence, an employee may use:
 - 1. Accumulated sick leave;
 - 2. Accumulated vacation; and/or
 - 3. Accumulated compensatory time.
- C. Should all accumulated leaves be exhausted, the employee's absence may be recorded as leave without pay.
- D. While on leave without pay, the employee is responsible for all costs of participating in any group benefit (such as health or life insurance).
- E. Temporary disability insurance (TDI) is a separate benefit and may be available in some situations. It is the employee's responsibility to inquire about the eligibility and procedures for making claims for TDI.

VII. RETURN TO DUTY

- A. As with other medical leaves, the employee may return to duty upon providing appropriate documentation by her private physician and obtaining clearance from the city and county physician that she is able to return to duty.
- B. Should an employee be cleared for restricted duty only, management will determine if the restriction can be reasonably accommodated.

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VIII. COMPLAINTS OR CONCERNS

- A. Any employee who has any complaints or concerns regarding this policy should inform his or her immediate supervisor. If the immediate supervisor is responsible for the alleged discrimination, the complaint or concern should be reported to the supervisor at the next higher level.
- B. Complaints or concerns may also be reported directly to the department's equal employment opportunity (EEO) officer, the Chief of Police, or the city's EEO officer.


LOUIS M. KEALOHA
Chief of Police

Post on bulletin
board for one week

Policy first issued
May 14, 2001