Disclaimer – This model policy does not constitute legal advice. Fire Departments using this policy as a model should consult with your department’s attorney for applicability in your state and to conform to and not conflict with existing companion policies or existing State or Federal laws.

Contributor – John K. Murphy, JD

SUBJECT: Pregnancy, Lactation Rooms and Light Duty

1 PURPOSE
1.1 Intended to provide guidance to the department concerning work-related assignments involving pregnant firefighters.
1.2 The goal of these guidelines is to provide options for a pregnant firefighter to remain working in a full-time capacity performing full-duty assignments or alternative duty assignments, for as long as reasonably practical.
1.3 These guidelines seek to establish a reasonable balance between women’s right to work and to protect the interest the firefighter has in her job while guarding against the risks inherent in the performance of her duties.
1.4 The firefighter and her physician shall make the decision of when the firefighter is to take a position of light duty, upon written recommendation of her physician.
1.5 If an employee is temporarily unable to perform her job because of her pregnancy, the Department shall treat the pregnant employee the same as any other temporarily disabled employee to include light duty assignments.

2 REFERENCE
1.1 Cite any applicable State Laws
1.2 Fair Labor Standards Act (FLSA) (29 USC Sec. 207) was amended to require employers to provide rest breaks and space for employees who are nursing mothers to express breast milk

3 RESPONSIBILITY
3.1 All employees are to be familiar with this Directive.
3.2 Each employee shall strive to maintain the standards as established in the Fire Department.
3.3 The Chief (or HR, Deputy Chief, Assistant Chief or designee) shall ensure that all aspects of this policy are followed and enforced

4 POLICY
4.1 When a firefighter requires a light duty assignment due to her pregnancy, she shall inform the Chief of the Department and the Human Resources Department of her pregnancy with a letter from the attending physician.
4.2 The employee and Physician will complete the attachment and return to the Human Resource Director
4.3 The department shall make every attempt to assign the employee to a light duty assignment without a loss of salary and benefits. The department is not required to create a light duty position but shall strive to honor the request for light duty if light duty is available.
During a pregnancy, a firefighter may be able to continue to perform in her usual, full-duty full range of assignments up to the time she and her doctor make a determination it is no longer an option. Employees should confer with their attending physician physician(s) and provide them with her job description that delineates the essential job functions as a firefighter. Both the physician and the employee are expected to consider the risks and benefits of remaining in a full-duty status performing a wide range of assignments.

Absent medical necessity the Fire Department will not require a firefighter to accept a light duty or alternative-duty assignment or to take leave except upon the advice of her physician or due to a compelling public safety reason.

The Department assumes no special responsibility for any medical risks associated with the pregnancy, whether or not they relate to duty assignment.

5 PROCEDURE - REASONABLE ACCOMMODATION EQUIPMENT AND ASSIGNMENT

5.1 GEAR AND EQUIPMENT: A firefighter who has become pregnant can continue to perform her job duties as long as the appropriate firefighting gear and equipment maintains a proper fit. If gear no longer fits properly, the Department may relieve the firefighter of certain duties specific to wearing gear and equipment, such as structural firefighting or any other hazardous duties, requiring the use of turnout gear.

5.2 LIGHT DUTY REQUEST: The Firefighter should discuss her specific job duties with her attending physician, especially duties concerning structural fires and exposure to hazardous materials during her pregnancy. Based upon the attending physician's recommendations, the member can request to be assigned to light or non-hazardous duties. The assignment of duties shall be made by the department chief or designated officer.

5.3 MATERNITY LEAVE: When a firefighter’s attending physician has determined that she should not work any longer and is required to take a leave of absence, the attending physician shall determine the leave duration, when it will become effective and how long she will remain on leave based on her current condition. This leave can start anytime during the pregnancy and generally continue up to eight weeks after pregnancy or longer based on her physician's recommendations.

Leave time taken shall be agreed upon by the firefighter and the fire department, i.e. vacation, sick, or leave without pay under current department policies under FMLA provisions.

5.5 No firefighter, while pregnant, shall be forced to take leave by the fire department if the firefighter’s physician determines that the member is still able to work.

5.6 While on maternity leave, the firefighter will retain active status. All of the firefighter’s rights and privileges will be protected and will remain in place at the time she takes a leave of absence.

5.7 RETURNING TO WORK
5.7.1 Upon returning to work, the firefighter shall provide a written release from the attending physician stating that she is able to return to work.

5.8 BREAST-FEEDING
5.8.1 Firefighters, who are breast-feeding, upon returning to active duty positions, may be assigned to light duty upon their return to work if
requested. The department shall make accommodations for lactating mothers to pump or breast-feed.

5.9 CONFIDENTIALITY
5.9.1 The Fire Chief, Human Resources Director or staff members privy to the medical information related to the pregnant firefighter shall maintain that information as confidential, to the extent permitted and/or required by law, but may forward it through the chain of command to appropriate authorities as necessary for assignment or notification of the employee has been placed on maternity leave for scheduling purposes.

5.10 HARASSMENT OF HAZING OF FIREFIGHTERS
5.10.1 There shall be no harassment of discrimination against pregnant or lactating firefighters on light or full duty.
5.10.2 Violations of this Policy shall fall under the provisions found in the Discipline Policy
Fire Rescue Medical Clearance for Pregnant Firefighters
Light Duty or Alternate Duty

I, ______________________________, am a designated health care professional for Fire & Rescue member ____________________ for their pregnancy.

By signing below, I attest to the following:

- I have been provided a copy of the following sections of National Fire Protection Association’s 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments:
  - The Essential Job Functions of a Firefighter
  - Annex D for Pregnancy Issues

- I have examined this patient in her current condition and am considered the Physician of record:

- I am aware that _________________ Fire Rescue Department will make either light duty or alternative duty for the duration of the pregnancy and six weeks (and longer if medically necessary) post-partum.

I recommend the following work status:

- _____ Full Duty without restrictions
- _____ Alternate Duty (working an 8-5 schedule that does NOT include firefighting or emergency medical services, but with no physical restrictions)
- _____ Modified Duty with restrictions as noted below
- _____ No duty until ______________
- _____ No duty until after next visit on ______________

Have you informed the employee of the recommended work status report?  Yes____ No ____

____________________________________  ___________________________
Physician’s Signature     Phone Number

Employee needs to alternate between sit/stand every _______ minutes every _____ hours.

Check the amount of time the worker is able to perform the particular task:

<table>
<thead>
<tr>
<th>Task</th>
<th>Never</th>
<th>Occasionally (&lt;33%)</th>
<th>Frequently (33-66%)</th>
<th>Continuously (67-100%)</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pushing/pulling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reach above shoulder</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bend/twist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kneel/squat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Climb stairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sit/Stand/Walk</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting 1-10 lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting 11-20 lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting 21-51 lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting 50-100 lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>