

SENATE, No. 3276

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 14, 2020

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Requires law enforcement agencies to adopt pregnancy policy for law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning a pregnancy policy for law enforcement officers
2 and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Every State, county, and municipal law enforcement agency
8 shall establish a pregnancy policy for law enforcement officers that
9 is consistent with the provisions of this section. The policy shall
10 apply to all female law enforcement officers who have successfully
11 met entry level probation requirements.

12 b. A law enforcement officer who becomes pregnant shall, upon
13 confirmation of pregnancy and decision to continue the pregnancy,
14 notify the officer's immediate supervisor, who shall notify the chief
15 law enforcement executive through the chain of command. The law
16 enforcement officer shall provide written documentation from a
17 medical practitioner, including the anticipated due date, if possible.

18 c. (1) Upon notification of a pregnancy, a law enforcement
19 officer shall be permitted to continue to work in the officer's usual
20 full-duty status until the officer and the officer's physician deem it in
21 the best interest of the officer and the baby to do otherwise. Except
22 as provided in paragraph (3) of this subsection and subsection g. of
23 this section, the law enforcement agency shall not require an officer
24 to accept a maternity duty assignment pursuant to subsection d. of
25 this section or to take leave, absent a compelling medical or public
26 safety reason.

27 (2) The law enforcement agency shall make every reasonable
28 effort to avoid assigning full-duty pregnant officers to units in which
29 the work involves the likelihood of encountering toxic chemicals or
30 suffering physical harm.

31 (3) Notwithstanding the provisions of this subsection, if, as the
32 pregnancy progresses, it becomes necessary for the law enforcement
33 agency to reevaluate the officer's continuing ability to safely and
34 effectively perform the essential functions of the officer's position,
35 the law enforcement agency may consider whether the pregnancy
36 creates an undue safety risk to the officer, co-workers, or the public.
37 In making this determination, the law enforcement agency may
38 consult with the law enforcement agency's physician and the
39 officer's physician. If the law enforcement agency determines that
40 the officer's condition unreasonably interferes with her ability to
41 perform in a full-duty capacity, the law enforcement agency may
42 reassign the officer to maternity duty pursuant to subsection d. of this
43 section. Except as provided in subsection g. of this section and
44 absent a compelling medical or public safety reason, the officer shall
45 not be required to take leave.

46 d. (1) During a pregnancy, upon written recommendation of a
47 physician, a law enforcement officer may request a temporary
48 reassignment to alternative duty, to be known as maternity duty.

1 Absent specific medical considerations, officers assigned to
2 maternity duty shall continue in full-time working status; however
3 consideration may be given for part-time assignments for officers
4 whose medical condition warrants this accommodation.

5 (2) Maternity duty may consist of, but is not limited to, the
6 following:

- 7 (a) nonhazardous assignments;
- 8 (b) writing police reports;
- 9 (c) operating a police radio;
- 10 (d) interviewing persons;
- 11 (e) clerical functions; or
- 12 (f) investigative functions that do not put the officer at risk of
13 being harmed.

14 (3) Maternity duty assignments shall not involve:

- 15 (a) alternating shift work;
- 16 (b) defensive tactics or defensive tactics training;
- 17 (c) firearms training, except simulated training;
- 18 (d) patrol duties;
- 19 (e) extensive exposure to automobile exhaust fumes;
- 20 (f) standing for more than 30 minute intervals;
- 21 (g) lifting more than 25 pounds;
- 22 (h) exposure to high concentrations of toxins, chemicals, or
23 infectious agents, or controlled dangerous substances;
- 24 (i) any contact with inmates, except in an emergency situation; or
- 25 (j) any other work that involves a high likelihood of suffering
26 harm.

27 The law enforcement agency also shall consider any specific
28 restrictions identified by the officer's physician. Temporary
29 reassignment of an officer to maternity duty shall be made consistent
30 with the operational needs of the law enforcement agency.

31 (4) Except as provided in subsection f. of this section, a law
32 enforcement officer working in a maternity duty status may retain
33 possession of a firearm issued by a law enforcement agency.

34 e. (1) A law enforcement officer who is pregnant and on full-duty
35 status may modify the officer's uniform to accommodate the
36 pregnancy by purchasing maternity trousers and shirts through the
37 law enforcement agency's uniform supplier.

38 (2) A law enforcement officer who is pregnant and on full-duty
39 status shall not be exempt from wearing body armor when engaged
40 in field activities or from wearing the officer's regulation duty belt
41 or service weapon.

42 A law enforcement officer who is pregnant and on maternity duty
43 shall be exempt from wearing body armor and the officer's regulation
44 duty belt, however the officer shall carry her duty sidearm in the off-
45 duty holster issued by the law enforcement agency or an alternate
46 holster approved by the law enforcement agency.

47 (3) Any cost associated with the purchase of uniform maternity
48 trousers and shirts through the uniform supplier or modifying the

1 body armor shall be the responsibility of the officer, unless otherwise
2 provided for in the law enforcement agency's collective bargaining
3 agreement.

4 (4) When the pregnancy progresses to the point that wearing a
5 uniform is not feasible, the chief of police may permit the officer to
6 wear plain clothes if the officer is assigned to maternity duty.

7 When the pregnancy progresses to the point where wearing a
8 sidearm is not feasible, the chief of police may permit an exemption.

9 f. (1) A law enforcement officer who is pregnant shall be exempt
10 from the mandatory handgun qualification requirements until the
11 officer is certified for full-duty status, at which time the officer shall
12 be scheduled for a handgun qualification by the supervising firearms
13 instructor.

14 (2) If the law enforcement officer is beyond the mandatory
15 handgun qualification period, the officer shall be required to
16 surrender the officer's department-issued sidearm to the supervising
17 firearms instructor, who shall provide notification of this requirement
18 to the officer, and shall be prohibited from wearing an off-duty
19 firearm until the officer has been re-qualified by the supervising
20 firearms instructor.

21 g. (1) Any evaluation made by the law enforcement agency's
22 physician shall be limited to a review of the officer's medical records,
23 which shall be provided by the officer, and consultation with the
24 officer and the officer's physician. The law enforcement agency's
25 physician shall not routinely examine the officer for pregnancy-
26 related matters. If the medical records provided by the officer are
27 insufficient to make a determination regarding the officer's
28 assignment, the physician may recommend that the officer be
29 examined by an obstetrician gynecologist.

30 (2) A law enforcement officer who is pregnant shall be permitted
31 to work as long as the officer is able to perform the duties of her job
32 and shall not be subjected to special procedures to determine the
33 officer's ability to work.

34 If the officer becomes unable to perform the functions of her
35 maternity duty assignment, the law enforcement agency may require
36 the officer to take leave in compliance with the Family and Medical
37 Leave Act and any other applicable law.

38 If an officer has been temporarily absent from work as a result of
39 a pregnancy-related condition and she recovers, she shall not be
40 required to remain on leave until the officer gives birth.

41 h. (1) When an officer, who has been on an extended absence of
42 30 calendar days or longer due to pregnancy, plans to return to duty,
43 the officer shall:

44 (a) request to meet with the officer's commanding officer
45 immediately upon returning to work;

46 (b) provide documentation of medical fitness for duty, subject to
47 review by the law enforcement agency's medical advisor;

1 (c) assist the officer's commanding officer in identifying her
2 individual needs, which may include accommodations for lactation;
3 and

4 (d) accomplish all reintegration tasks as directed by the
5 commanding officer.

6 (2) When a law enforcement officer returns to duty after an
7 extended absence of 30 calendar days or longer due to pregnancy, the
8 officer's commanding officer shall meet with the officer and conduct
9 a reintegration interview. A reorientation program shall be
10 developed for each individual employee taking into consideration the
11 unique circumstances of that officer.

12
13 2. This act shall take effect on the first day of the fourth month
14 after enactment.

15 16 17 STATEMENT

18
19 This bill requires law enforcement agencies to adopt a pregnancy
20 policy for law enforcement officers.

21 Under the provisions of this bill, every State, county, and
22 municipal law enforcement agency is required to adopt a pregnancy
23 policy consistent with the provisions of this bill. The policy is to
24 apply to all female law enforcement officers who have successfully
25 met entry level probation requirements.

26 Under the bill, a law enforcement officer who becomes pregnant
27 is required, upon confirmation of pregnancy and the decision to
28 continue the pregnancy, to notify the officer's immediate supervisor,
29 who is then required to notify the chief law enforcement executive
30 through the chain of command.

31 The bill also provides that upon notification of pregnancy, a law
32 enforcement officer is to be permitted to continue to work in the
33 officer's usual, full-duty assignment until the officer and the officer's
34 physician deem it in the best interest of the officer and the baby to do
35 otherwise. Except as provided for under the bill, the law enforcement
36 agency is not to require an officer to accept a maternity duty
37 assignment or take leave absent a compelling medical or public safety
38 reason.

39 However, the bill provides that if, as the pregnancy progresses, it
40 becomes necessary for the law enforcement agency to reevaluate the
41 officer's continuing ability to safely and effectively perform the
42 essential functions of the officer's position, the law enforcement
43 agency may consider whether the pregnancy creates an undue safety
44 risk to the officer, co-workers, or the public. If the law enforcement
45 agency determines that the officer's condition unreasonably
46 interferes with her ability to perform in a full-duty capacity, the law
47 enforcement agency may reassign the officer to maternity duty as
48 defined under the bill. Except as provided for under the bill and

1 absent a compelling medical or public safety reason, the officer is not
2 to be required to take leave.

3 The bill also provides that during a pregnancy, upon written
4 recommendation of a physician, a law enforcement officer may
5 request a temporary reassignment to maternity duty. Maternity duty
6 may consist of, but is not limited to: nonhazardous assignments,
7 writing police reports, operating a police radio, interviewing persons,
8 clerical functions, or investigative functions that do not put the
9 officer at risk of being harmed. Maternity duty assignments are not
10 to include: alternating shift work; defensive tactics or defensive
11 tactics training; firearms training, except simulated training; patrol
12 duties; extensive exposure to automobile exhaust fumes; standing for
13 more than 30 minute intervals; lifting more than 25 pounds; exposure
14 to high concentrations of toxins, chemicals, or infectious agents or
15 controlled dangerous substances; any contact with inmates, except in
16 an emergency situation; or any other work that involves a high
17 likelihood of suffering physical harm.

18 In addition, the bill sets forth permissible uniform modifications
19 for law enforcement officers who are pregnant. Further, the bill
20 provides that law enforcement officers who are pregnant are exempt
21 from the mandatory handgun qualification requirements until the
22 officer is certified for full-duty status. If the officer is beyond the
23 mandatory handgun qualification period, the officer is to be required
24 to surrender the officer's department-issued sidearm and is
25 prohibited from wearing an off-duty firearm until the officer has re-
26 qualified.

27 In addition, the bill provides that any evaluation made by the law
28 enforcement agency's physician is to be limited to a review of the
29 officer's medical records and consultation with the officer and the
30 officer's physician. The law enforcement agency's physician is not
31 to routinely examine the officer for pregnancy-related matters.
32 Under the bill, a law enforcement officer is to be permitted to work
33 as long as the officer is able to perform the duties of her job and is
34 not to be subjected to special procedures to determine the officer's
35 ability to work. The bill provides that if the officer becomes unable
36 to perform the functions of her maternity duty assignment, the law
37 enforcement agency may require the officer to take leave in
38 compliance with the Family and Medical Leave act and any other
39 applicable law.

40 Finally, the bill provides for certain procedures when an officer
41 returns to duty after maternity leave, including meeting with the
42 officer's commanding officer, providing documentation of medical
43 fitness for duty, assisting the officer's commanding officer in
44 identifying her individual needs, which may include
45 accommodations for lactation, and accomplishing all reintegration
46 tasks as directed by the commanding officer. The bill also requires
47 the officer's commanding officer to conduct a reintegration interview
48 and develop a reorientation program for each officer.