



# Town of Stow POLICE DEPARTMENT

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Acting Chief of Police



## General Order # 2020 – 02

<b>SUBJECT:</b>  <b>Pregnant Workers Fairness</b>	<b>ISSUE DATE:</b> October 15, 2020
<b>TO:</b>  <b>ALL PERSONNEL</b>	<b>EFFECTIVE DATE:</b> October 15, 2020  <b>REVISION OR EXPIRATION DATE:</b> Yearly Review

### **OBJECTIVE:**

To ensure that the Pregnant Workers Fairness Act, effective April 1, 2018 is followed. This Act requires employers to provide “reasonable accommodations” to an employee who is pregnant or who has a condition related to pregnancy. This policy is to comply with the Town of Stow Pregnancy and Pregnancy-Related Conditions Policy as set by the Town of Stow.

### **GENERAL ORDER:**

- Stow Police will not discriminate against employees due to pregnancy or a condition related to pregnancy
- Stow Police will grant an employee a “reasonable accommodation” for an employee’s pregnancy or condition related to pregnancy, unless doing so would impose an “undue hardship” on the department.

### **DEFINITIONS:**

**CONDITIONS RELATED TO PREGNACNY:** A condition related to pregnancy can be during or after pregnancy. Examples include, but are not limited to, morning sickness, lactation, or the need to express breast milk. For example, if a pregnant employee needs to start their workday later than their usual start time due to morning sickness, the employee may be covered by the Act.

**REASONABLE ACCOMMODATION:** A reasonable accommodation is a modification or adjustment that allows an employee to perform the “essential functions” of the employee’s position. Some examples of reasonable accommodations are: (1) more frequent or longer breaks; (2) time off; (3) providing equipment or seating; (4) temporary transfer to a less strenuous or hazardous job; (5) job restructuring; (6) light duty; (7) private space for expressing breast milk; (8) assistance with manual labor; and (9) a modified work schedule. Employers are not required to discharge or transfer another employee with more seniority, or to promote an unqualified employee, as an accommodation.

**UNDUE HARDSHIP:** An undue hardship is an action requiring significant difficulty or expense on the part of the employer. Some factors considered include (1) the nature and cost of the needed accommodation; (2) the employer’s financial resources; (3) the overall size of the business; and (4) the effect on expenses and resources of the accommodation on the employer.

-Stow Police will not deny an employment opportunity to, or take an adverse (negative) action against, an employee or Officer because of their request for or use of a reasonable accommodation.

-Stow Police will not make an employee or Officer accept a particular accommodation if another reasonable accommodation would allow them to perform the essential functions of the job, or require them to take a leave if another reasonable accommodation may be provided without undue hardship.

-Stow Police will not refuse to hire a person who is pregnant because of the pregnancy or a pregnancy-related condition, if the person can perform the essential functions of the position with a reasonable accommodation.

-Stow Police must communicate with the employee or Officer in a timely, good faith, interactive process, once Stow Police Department is on notice of the need for an accommodation, in order to determine what accommodation may be needed.

-Stow Police must provide written notice to employees of their rights under the Act. The notice must be given to (1) new employees or Officers; and (2) an employee who notifies the Chief of Police or their designee of a pregnancy or a pregnancy-related condition, not more than 10 days after notification.

#### **EMPLOYEE/OFFICER REQUEST FOR REASONABLE ACCOMODATION**

-An employee or Officer must notify the Chief of Police or designee of a need for a reasonable accommodation due to pregnancy or a pregnancy-related condition. The statute does not require that the request be made in any particular fashion, i.e., orally vs. in writing. Stow Police will then engage in a timely, good faith, interactive “process” to determine what reasonable accommodation may be made, absent undue hardship. This process will include discussion(s) between the employee or Officer and the Chief of Police or designee with respect to the requested accommodation.

- Stow Police can generally require documentation about the need for accommodation from the employee or Officers healthcare professional that explains what accommodation the employee or Officer needs, and from there, the Chief of Police or

designee and employee should discuss how the accommodation(s) relate to the essential functions of the employee's job.

-The Chief of Police, designee or Town of Stow cannot require documentation for an employee's need for the following: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) private, non-bathroom space for expressing breast milk.

### **BREAKS TO BREASTFEED OR EXPRESS BREAST MILK**

- The law does not specify or limit how often an employee can take a break to breastfeed or express breast milk. The Stow Police Department is aware that every employee or Officer has individualized needs, which may vary month to month or even day to day. Stow Police Department will allow employees to breastfeed or express milk as often as they need to do so, absent undue hardship.

- Breaks will allow the employee or Officer the time needed to breastfeed or express breast milk, also the breaks will allow additional time to get to and from the break room and to include set up and breakdown time of any equipment.

-Officers or Employees will notify the dispatcher that they are taking a break and will be unavailable for all emergency and non-emergency calls.

-Officers or Employees will not be bothered or disrupted during their break time to breastfeed or express breast milk.

-Officers or Employees will notify the dispatcher when they are available to return to handling emergency and non-emergency calls.

-Trained 911 Officers will cover the desk to allow the dispatch employee or desk officer the time to breastfeed or express breast milk

-If only one officer is working, that officer will handle the incoming calls and rely on mutual aid for response.

-Employees or Officers who take the time to breastfeed or express breast milk will be paid and no loss of time during their work schedule will be used

### **LOCATION TO BREASTFEED OR EXPRESS BREAST MILK**

- Stow Police Department will provide an employee or Officer a private, **non-bathroom space** to express breast milk or to breastfeed. Examples include, but are not limited to, a private room or office.

-The space should be free from intrusion by other employees, visitors, and the public.

-Besides being a private, **non-bathroom space**, the space should allow employees to comfortably express breast milk and/or breastfeed.

-Examples of features that should be included in the space are sufficient electrical outlets for breast pumps, tables or other surfaces to hold breast pumps and other needed items, and seating.

-If no comfortable seating or other equipment is not available the employee or Officer will notify the Chief of Police or Designee, who will work with the employee or Officer to purchase reasonable comfort items.

- If the employee or Officer would like to use their private, non-bathroom office, the employee may breastfeed or express breast milk there.

## **EMPLOYEE RIGHTS**

- Title VII prohibits discrimination on the basis of sex. The Pregnancy Discrimination Act bars employers from discriminating against employees on the basis of pregnancy. The Fair Labor Standards Act has requirements regarding break time for mothers who need to express breast milk. The Americans with Disabilities Act may cover certain pregnancy-related conditions. The Family and Medical Leave Act also has certain requirements regarding leave for an employee's serious health conditions. More information on those laws is available at [www.eeoc.gov](http://www.eeoc.gov) and [www.dol.gov](http://www.dol.gov).

-If you believe that you as an employee have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town. This may be done in writing or orally.

-If you would like to file a complaint you may do so by contacting the Town Administrator, 380 Great Road, Stow, MA 01775, (978) 897-2927 or [townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov). The Town Administrator is also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process. A Stow Police Employee may also file a complaint with the Chief of Police who will inform the Town Administrator of the complaint.

-When the Chief receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted by the Chief as per policy 4.01 Internal Affairs.

- If it is determined that inappropriate conduct has occurred, the Stow Police will act promptly to correct the condition.

- If it is determined that inappropriate conduct has been committed by a Stow Police employee or Officer, the Stow Police and Town will take such action as is appropriate under the circumstances as per policy 4.13 Disciplinary Procedures.

- if you believe you have been subjected to discrimination, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission (EEOC) [www.eeoc.gov]  
Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center

Boston, MA 02203  
(800) 669-4000

The Massachusetts Commission Against Discrimination (MCAD) [[www.mass.gov/mcad](http://www.mass.gov/mcad)]

Boston Office  
One Ashburton Place, Suite 601  
Boston, MA 02108  
(617) 994-6000

Worcester Office  
484 Main Street, Room 320  
Worcester, MA 01608  
(508) 453-9630

