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M E M O R A N D U M

DATE: August 10, 1990
TO: Variable
Seattle City Council
FROM: Judy Bedell, Acting Director
RE: Sunset Review of the City's Limited Duty Policy for
Pregnant Employees (SMC 4.10.050)

In August 1987 the Council passed an ordinance establishing a limited duty policy for pregnant City employees. The purpose of this policy was to ensure that these women would have an opportunity to work through their pregnancies in medically approved assignments. The original legislation included a three-year sunset clause to provide the City with an opportunity to review the effects of the new policy on City departments.

This spring OWR surveyed those City departments affected by this policy, primarily departments employing women in strength-dependent positions. In general they report it has worked effectively and no unanticipated costs or problems have arisen. Departments commenting on the policy unanimously support its continuation and the repeal of the three-year sunset clause.

Legislation to repeal the sunset clause is expected to come before the Council within the next week. I am sending you the attached information as background for this anticipated legislation.

JB:dp:175

Attachment

cc: Dwight Imanaka, Director, Personnel
Anne Levinson, Mayor's Office

Review of the Three-year Implementation of
City of Seattle Limited Duty Policy for Pregnant Employees

Background

By ordinance in September 1987 the City of Seattle adopted a limited duty assignment policy for pregnant employees. The intent of the policy was to ensure that pregnant City employees would have the opportunity to work throughout their pregnancies in medically-approved assignments. Limited-duty assignments were to be based on medical need and arranged on a case-by-case basis for individual employees. The policy was consistent with emerging case law (California Federal Savings and Loan vs. Guerra, 1987).

The need for the policy was reflected 1) in the medical research indicating pregnant women increasingly worked to the onset of childbirth and 2) in the City's growing numbers of women in strength-dependent, non-traditional jobs where medical accommodation would be required during pregnancy.

Departmental Impacts Anticipated in 1987

With passage of the ordinance in 1987, the City recognized that impact of the limited duty policy would be greatest in the Fire Department. Prior to adoption of the policy, the Fire Department was the only City department without a mechanism to provide limited duty assignments to pregnant employees. Limited duty assignments were provided only to LEOFF I personnel and firefighters injured on the job. The Fire Department alone anticipated cost increases in order to implement this policy. These costs would arise from the need to pay overtime replacement costs to maintain on-duty combat strength.

Changes in existing practice were anticipated in the Police Department, based on the existence in 1987 of a fixed, 16-week time limit for all sworn employees requesting a limited duty assignment. Additional departments employing women in strength-dependent jobs in 1987 (City Light, Engineering, Water, Parks, Seattle Center, DAS) reported that appropriate informal policies existed to accommodate employees with temporary disabilities, including pregnant women, and these departments anticipated no impact from the proposed limited duty ordinance.

Implementation History, 1987-1990

In April 1990 eight City departments employing women in strength-dependent, non-traditional jobs were asked a set of questions pertaining to the impact of the limited duty policy on their operations. Departments responding included Fire, Police, City Light, Parks, DAS, Seattle Center and Engineering.

1) Requests for limited duty assignments, September 1987-April 1990.

As previously mentioned, accommodation of pregnant employees was common practice in the civilian departments employing women in non-traditional jobs in 1987. At this time only Police, Fire, Water, and Seattle Center maintain statistics on the implementation of this policy. Total requests they granted, September 1987-April 1990, by department were

Fire	9
Police	14
Seattle Center	5
Water	1

2) Average length of limited-duty assignment

For those three departments maintaining statistics, the length of the limited-duty assignments were as follows:

Fire	39 weeks ¹
Police	16 weeks (variable)
Seattle Center	4-10 weeks
Water	30 weeks

3) Projects accomplished by employees in limited duty assignments

In civilian departments the majority of employees were accommodated in their regular job assignment. For employees in positions where heavy lifting or environmental hazards existed, assignments were made in an office setting to complete inspections, records and maintenance management projects. Employees remained in their own classification or were placed in a similar position with equal pay.

¹Female firefighters are removed from combat at the time pregnancy is confirmed, resulting in a 37-40 week limited duty assignment.

Work assignments were consistent with pay rates and based on identified department need.

In the Police Department, employees were assigned to offices receiving citizen complaints, developing and analyzing statistics and preparing reports and records. In Fire, assignments were made in training, records inspection and hazardous materials program formulation. All assignments required sworn personnel. Among public safety assignments, salaries were maintained in the existing pay grade.

4) Costs

No departments reported any unanticipated costs in implementing the policy.

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