

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is an agreement entered into by and between the City of Manitowoc (the “City”) and the City of Manitowoc Police Department Employees / Wisconsin Professional Police Association (the Association”). The City and the Association are signatories to a collective bargaining agreement (the “CBA”) that expires on December 31, 2020. The parties jointly wish to clarify the City’s and the Department’s policies and procedures regarding pregnant employees working at the City’s Police Department. Accordingly, the parties agree as follows:

1. Section 1026 of the Manitowoc City Police Department Policy Manual and Article XV Section 4 of the CBA shall be amended to comply with the following provisions:
 - A. In line with the Americans with Disabilities Act of 1964 and its amendments, including the Pregnancy Discrimination Act, female employees affected by pregnancy or related conditions (hereinafter “pregnant employees”) must be treated in the same manner as other applicants or other employees who are similar in their ability or inability to work.
 - B. Any “priority consideration for temporary modified duty assignments” provided in Policy 1026.3 for employees with “work-related injuries” will also be provided to pregnant employees.
 - C. Pregnant employees shall be assigned to a Temporary Modified-Duty (“TMD”) assignment upon request by the employee at or after 20 weeks of pregnancy (or sooner if deemed necessary by her physician), or when deemed necessary by the Department. Such TMD assignments will not routinely expose the employee to potentially hazardous environments or activities. At no point shall a pregnant employee be forced to a TMD assignment without justification and examples of why the Department feels they are unable to safely do their regular assignment. If a pregnant employee wishes to remain on full/regular duty, a note from her physician must be obtained indicating she is fit for full duty. If a pregnant employee chooses to remain on full duty, the Manitowoc Police Department will assist financially in obtaining properly fitting equipment/uniforms. A new or used (non-expired) ballistic vest shall be issued to the pregnant employee for the time it is needed. Once no longer needed by the employee, that vest shall be returned to the Manitowoc Police Department for other use.
 - D. Pregnant employees shall notify their immediate supervisor as soon as practicable and advise him/her of their intent regarding reassignment, reasonable job accommodations, and anticipated leave for the pregnancy or prenatal care. The employee shall submit a statement from her health care provider of any job restrictions or limitations she may have related to the pregnancy.
 - E. During a TMD assignment, a pregnant employee may be assigned to a position outside of her normal working schedule. The schedule of the TMD assignment shall be agreed upon by the pregnant employee and the Chief. Hours of a TMD assignment may vary on a case-by-case basis.
 - F. Employees on a TMD assignment are responsible for coordinating required doctor visits and other medically necessary treatment outside of working hours, if available. If not available, the employee shall use sick time, comp time, vacation hours, holiday hours, or unpaid leave during those times, unless Chief approves modified hours for that specific day. If modified hours occur, it shall be documented by a supervisor or Chief, to ensure the employee worked the appropriate amount of hours for that day.

- G. If any at point it becomes necessary for a pregnant employee to take a leave of absence, such leave shall be granted consistent with the CBA, Family and Medical Care Leave, or available disability leave.
 - H. Employees assigned to a TMD assignment shall maintain all certification, training and qualifications, appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions provided by a physician. Employees assigned to TMD assignments shall immediately notify their immediate supervisor if they are unable to maintain any certification, training, or qualifications during the TMD assignment.
 - I. Any employees assigned to a TMD assignment shall be required to wear the same clothing as other employees off of patrol duties (Ex: Detective Bureau, Clerical Staff), and shall abide by policies regarding personal appearance.
 - J. When a pregnant employee returns to work after pregnancy, she must provide a note from her physician releases her to full duty, regardless of if she was on regular patrol or a TMD Assignment. The employee shall complete any required training, certification, or qualifications immediately needed before returning to full duty.
2. All other provision of the CBA are unaffected by this MOU.
 3. The provisions of this MOU shall not interfere with any accommodations deemed necessary under the American Disability Act, or applicable State and Federal Law/Regulations.
 4. This MOU will be considered part of the *status quo* of the CBA at its expiration and will continue unless modified or eliminated by the parties in their negotiations for a successor agreement.
 5. This represents the complete understanding of the parties on this issue. Any amendments or modifications to this MOU must be made in writing.
 6. This MOU is effective on the last date signed below. Authentic faxed, scanned or e-mailed signatures are as valid as originals.

Agreed to by:

For the City

Date

For the Association

Date