

RESOLUTION NO. 16-70

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING THE PERSONNEL POLICY MANUAL TO ADD SECTION 5120, PREGNANCY LIGHT DUTY

WHEREAS, The City Council, from time to time, reviews and adopts policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, The City Council has reviewed Section 5120 and has determined the need to add a policy ensuring that Draper City provides equal employment opportunities to employees and complies with the Pregnancy Discrimination Act (PDA); and

WHEREAS, The City Council believes this change to the Personnel Policy Manual is in the best interest of the employees of Draper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. The Draper City Council does hereby adopt the amendment to the Personnel Policy to include Section 5120 as attached hereto as Exhibit "A".

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

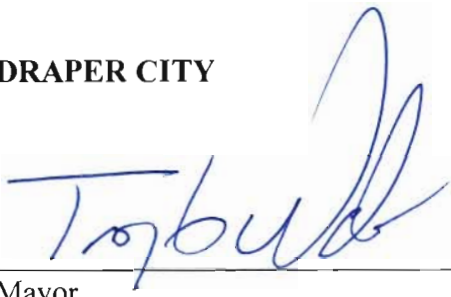
Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 6th DAY OF December, 2016.

ATTEST:



Deputy City Recorder

DRAPER CITY


Mayor



VOTE TAKEN:

YES

NO

Councilmember Rapple

Councilmember Stenquist

Councilmember Summerhays

Councilmember Vawdrey

Councilmember Weeks

Mayor Walker

Section 5120 - Pregnancy Light-Duty

General Policy Statement:

This policy establishes guidelines relating to Temporary Light Duty for full and part-time employees during pregnancy. Draper City provides equal employment opportunities to employees and to complies with the Pregnancy Discrimination Act (PDA).

Policy:

Pregnant employees will be given an opportunity to continue to participate in the work force during pregnancy where possible. This policy implements the provision of a Temporary Alternate Light Duty assignment for pregnant employees. Pregnant employees who are able to work will be permitted to do so on the same conditions as other employees if they are able to fully perform their regularly assigned job duties. The pregnant employee's acceptance of light duty will not result in reduced pay or benefits.

1. Reporting and Processing Pregnancy/Maternity Leave.
 - A. If an employee becomes pregnant and she has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify, or cause to be notified, her Supervisor and Human Resources.
 - B. The employee must submit a Medical Release-Pregnancy Form signed by her medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the light duty assignment, and states how long the restrictions apply.
 - C. The employee is responsible, with the advice of her medical care provider, to determine how long she will continue working in her regularly assigned position. An employee is not required to accept a light duty assignment. The employee may request light duty at any time during her pregnancy pursuant to the advice of her medical care provider.
2. Procedure.
 - A. Once Draper City has knowledge the employee is pregnant and the employee has requested light duty, she will be eligible for consideration for a light duty assignment. Draper City is under no obligation to create or design a job or assignment specifically for such light duty, but will allow a pregnant employee who cannot perform the physical duties of her assigned position to fill a light duty position to the extent one is available. Light duty assignments may be either in the employee's own department or elsewhere in the City, depending on availability. The light duty assignment shall comply with the physical restrictions imposed by the employee's medical care provider.
 - B. The employee can remain in a light duty position until she is physically unable to perform her light duty assignment or she can return to her regularly assigned position as certified by her medical care provider. Light duty assignments are temporary and are intended to last only for the duration of the pregnancy and only to the extent there are physical limitations due to the

pregnancy that would cause the employee to be unable to continue working in her regular assignment.

C. FMLA, sick and vacation leave:

1. Once the employee is unable to perform her light duty assignment, she may be granted leave in accordance with the procedures set forth in the City's FMLA policy. Nothing herein shall be construed to limit an employee's use of FMLA leave at any time of the pregnancy pursuant to the City's FMLA policy.
2. Sick and vacation leave will be recognized as part of this policy where applicable.
3. Certain pregnancy related conditions may qualify an employee to receive reasonable accommodations under the ADAAA.

3. Training. While on light duty status, the employee will participate in department-level training classes that other employees are undergoing, as long as the training classes do not pose any risk to the employee.

4. Return to Regular Assignment.

- A. In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating the employee is released to full duty, with no restrictions.
- B. Upon an employee's request to return to a full duty assignment with a signed Medical Release, Draper City will reinstate the employee to her regularly assigned position.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 11/06//2016

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