



COUNCIL OF THE DISTRICT OF COLUMBIA
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Kenneth Ellerbe, Chief
Fire and Emergency Medical Services Department
1923 Vermont Avenue, N.W., Suite 201
Washington, D.C. 20001

Dear Chief Ellerbe:

I write regarding the Fire and Emergency Medical Services Department (FEMS) policy that requires pregnant employees to take leave (paid or unpaid) even when they are available for "limited duty" work. The policy allows pregnant personnel only 30 days of limited duty before mandating the member to utilize her own leave. Often this is unpaid leave. I had hoped that this issue would have been resolved some time ago, and so I urge you to take immediate action to implement a more fair pregnancy policy for the agency.

FEMS has stated that it is simply following the law, and has expressed to agency personnel that modification to the current pregnancy policy could only be achieved if the Council were to amend the law FEMS purports to follow. Yet I have previously communicated to you my displeasure with this policy, and the Committee has detailed our view that the agency is also wrong on the law. Moreover, FEMS' policy had been, until recently, to permit limited duty assignments if requested by a pregnant member.¹ It was only this past September that then-Chief Rubin modified agency policy to eliminate limited duty status for all non-performance-of-duty injuries, a category that includes pregnancy.² No change to District law was made before or after this. Further, the Metropolitan Police Department (MPD) continues to implement a policy of allowing limited duty for pregnant officers.

FEMS has also stated that its current policy is drawn from the District of Columbia Personnel Regulations, requiring that pregnancy be treated for leave purposes in the same manner as any physical condition that incapacitates the employee for performance of duty. I note that the provisions referenced by FEMS address an employee's request for approved *absence* from employment,³ and not an employee's request to continue in a limited duty status. Other language to which the agency calls attention seemingly references the federal Pregnancy

¹ See District of Columbia Fire and Emergency Medical Services Department, Bulletin No. 29: Pregnancy Policy (January 2010 (Revised)).

² Reducing overtime may have been the motivation, but mandating forced leave for pregnancy does not provide a solution. Note that forced leave or limited duty has the same effect -- makes no difference -- with regard to FEMS overtime spending.

³ See Title 6, Chapter 12, Section 1260, "Absence for Maternity Reasons" (referenced by FEMS in responses to the Committee).

