

The Women's Legal Defense and Education Fund

KNOW YOUR RIGHTS: RESCHEDULING CIVIL SERVICE TESTS DUE TO PREGNANCY

Civil service exams are an avenue to well-paid, stable jobs. But what if you cannot take the test on the regularly scheduled date because of pregnancy, childbirth, or other related conditions? Here are some answers.

IS THERE A LAW THAT CAN HELP ME?

Do I have a legal right to have my exam rescheduled? You should always ask that your exam be rescheduled if you need to take it on a different date. Indeed, a number of states have passed Pregnant Workers Fairness Acts (PWFAs) that guarantee accommodations for workers who are pregnant, have recently given birth, or are experiencing a condition related to pregnancy or childbirth. If your city or state has not passed a PWFA, you may still be protected under the federal law, which requires employers to accommodate pregnant workers in the same way they accommodate other workers with similar limitations.

My locality has not passed a PWFA. Am I still entitled to an accommodation? A good starting point is to visit your municipality's website and search for information related to the scheduling of civil service exams. Often, that information may be found on the "frequently asked questions" section of the website. If you find that rescheduling is permitted for reasons such as military service or religious holidays, you may be entitled to a new test date due to pregnancy.

MY LOCALITY HAS A PWFA. HOW DO I USE IT?

How do I ask that the test be rescheduled? Write your potential or current employer a letter or an email explaining that you are pregnant (you can attach a note from your health care provider) and that you need to take the test on a different date. Refer to the PWFA in your letter. Keep a copy of the communication. Try to be as flexible as possible with alternate dates. For example, if your employer already provides alternate dates for religious holidays, be ready to take the test on those dates if possible. Keep a copy of your employer's response.

What if my employer says no? Negotiate! Ask if your employer has a suggestion for an alternate solution that would work. Keep a record of all conversations, whether spoken or written. If your employer still refuses to provide you with a reasonable accommodation, you should seek legal assistance.

I do not need to reschedule the exam but I may need other accommodations during my testing. What can I ask for? A number of accommodations are typically available under the laws that protect pregnant workers' right to workplace accommodation. Some of those accommodations include:

- Allowing more frequent bathroom breaks.
- Permitting the employee to carry a water bottle for hydration.
- These are only a few possibilities; the law calls for many different types of reasonable accommodations that you might find useful if you anticipate taking your exam while pregnant.

OTHER FEDERAL, STATE, AND CITY LAWS If you are pregnant, it is illegal for an employer to: fail to hire or promote, demote, terminate, pay lower wages to, deny benefits to, or treat you differently than other employees that are similar in their ability or inability to work.

If you believe that your pregnancy-related rescheduling request was unfairly denied or have any other questions regarding pregnancy-related workplace accommodations, contact **Legal Momentum's Helpline at 212-925-6635, ext. 650.**