

LEGAL momentum

The Women's Legal Defense and Education Fund

FOR IMMEDIATE RELEASE

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NYC CHANGES PREGNANCY ACCOMMODATION POLICIES IN RESPONSE TO DISCRIMINATION CHARGE BROUGHT BY LEGAL MOMENTUM

New Policy Will Benefit Many Women

New York City workers no longer have to risk missing career opportunities because they are, or may become, pregnant. The City has agreed to accommodate pregnant workers in significant ways in response to a charge brought [before the EEOC](#) by Legal Momentum on behalf of New York City Police Officer Akema Thompson.

Officer Thompson was unfairly denied an opportunity for promotion to Sergeant when the City refused to reschedule the date of a promotional examination originally scheduled for Officer Thompson's delivery date. In early 2013, Officer Thompson learned that the NYPD would be offering the promotional examination for the rank of Sergeant. This exam is only offered every few years; so she immediately signed up to take it, and took a class to prepare. When she found out the exam was to be given on October 19—the due date of her first baby—Officer Thompson repeatedly requested permission to take the exam on a different date. Despite repeated e-mails and letters both by Officer Thompson and by the Policemen's Benevolent Association (PBA) on her behalf, the City refused to reschedule. Instead, the City belatedly offered her useless "accommodations"—a pillow to sit on and extra time for the test—when she was already in labor.

Until Legal Momentum got involved, New York City's Department of Citywide Administrative Services (DCAS) policy did not permit rescheduling of employment and promotional examinations when a conflict arose due to pregnancy or childbirth. Notably, [written policies](#) allowed for exams to be rescheduled for many other reasons: religious observances, military duty, court appearances, funerals, and injuries occurring on the job.

In March, 2014, Legal Momentum [filed a charge](#) of pregnancy discrimination with the federal Equal Employment Opportunity Commission against the City of New York on behalf of Officer Thompson. The settlement just reached requires New York City to provide appropriate pregnancy accommodations to all City employees to ensure that qualified women are not denied jobs or opportunities for promotion, simply because they are or will become pregnant.

Legal Momentum President and CEO Carol Robles-Román said, “In 2015, there is no excuse for denying pregnant women reasonable accommodations to enable them to work on an equal basis with everyone else.”

PBA President Patrick J. Lynch said, “Police officers should not be forced to choose between starting a family and seeking a promotion. This settlement recognizes that the City can and must afford pregnant police officers the same reasonable testing accommodations that are granted in other cases, especially as the NYPD seeks to attract more women into its ranks. We applaud Legal Momentum's hard work on behalf of Police Officer Thompson and all PBA members.”

“Officer Thompson’s case has been an important part of our efforts to improve women’s access to non-traditional jobs such as policing, sanitation, and firefighting, and ensure fair treatment for working mothers. We are glad that we were able to reach an agreement that advances those goals,” said Jelena Kolic, Legal Momentum’s staff attorney who handled the case. Kolic added, “Legal Momentum is urging other cities to follow New York’s lead in ending pregnancy discrimination for municipal employees.” Many major U.S. cities, including Los Angeles, Chicago, Boston, Philadelphia, and San Francisco, do not yet have policies that ensure pregnancy accommodations are available for municipal employment testing.

Legal Momentum has prepared a “Know Your Rights” Fact Sheet on rescheduling civil service tests to accommodate pregnant women. The Fact Sheet answers questions about pregnant workers’ legal rights and how to request alternate test dates. The [Fact Sheet is available for download](#) free of charge from Legal Momentum’s website.

About Legal Momentum

Legal Momentum is a 501 (c)(3) nonprofit organization founded in 1970 to advance the rights of women across the nation by using the power of the law and creating innovative public policy in three broad areas: economic justice, freedom from gender-based violence, and equality under the law. Successful initiatives include judicial education programs on the realities of sexual assault, domestic violence, and their intersection; successful advocacy for the Violence Against Women Act and for expanded protections for Native American and other survivors of violence in its 2013 reauthorization; and representing women who have been subjected to workplace pregnancy and gender discrimination with precedent-setting litigation. For more information, visit www.legalmomentum.org.