

ALERTS

New Paid Leave Requirement in New York

January 8, 2025

Effective Jan. 1, 2025, all employers in New York must provide eligible full-time or part-time employees with 20 hours of paid prenatal personal leave per 52-week period. This paid time off for prenatal care is above and beyond existing paid leave entitlements.

Prenatal leave can be used in increments of one hour at a time. Employers are not required to pay out any unused prenatal leave hours to an employee upon separation.

The New York State Department of Labor (“NYDOL”) recently issued FAQ guidance to help employers navigate the paid prenatal personal leave mandate. The guidance clarifies a number of key issues:

- **No Accrual or Waiting Period:** Employees qualify for paid prenatal leave immediately upon hire. Beginning on Jan. 1, 2025, all employees are automatically entitled to the 20-hour leave benefit.
- **Covered Healthcare Services:** Paid prenatal leave may be used to attend healthcare appointments during pregnancy or related to such pregnancy. This includes physical examinations, medical procedures, monitoring and testing, and discussions with a healthcare provider related to the pregnancy. The law applies to fertility treatments (including in vitro fertilization), and end-of-pregnancy care appointments. This leave, however, does not apply to post-natal or postpartum appointments. Paid prenatal leave may only be used by the employee directly receiving prenatal healthcare (not spouses, partners, or other support persons).

- **Employee Confidentiality and Prohibition Against Retaliation:** The NYDOL's guidance emphasizes that employers may neither require disclosure of medical information as a condition for granting leave, nor can they penalize, discriminate or retaliate against employees for requesting or using it.

Employers in New York should ensure that their current leave policies and employee handbooks are updated to reflect the new law. New York is the first state to establish paid prenatal leave. It is part of a broader trend in greater workplace protections for pregnant and postpartum employees. These expanded protections include the recent federal Pregnancy Workers Fairness Act and the PUMP Act, discussed here, as well as New York State's and City's lactation accommodation laws, discussed here and here.

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If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the authors.

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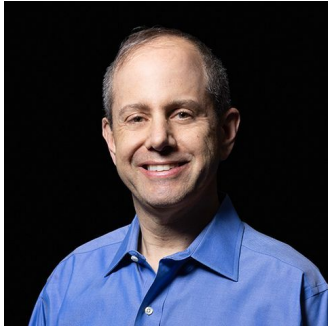
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