

Employment Law Update: New York Passes First Prenatal Paid Leave

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New York is the first state to pass a law requiring paid “prenatal personal leave.”

The law, signed into law on April 22, 2024, goes into effect on January 1, 2025. It amends the New York Sick Law and requires New York employers to provide employees with 20 hours of paid prenatal leave during a 52 week period to enable employees to receive prenatal health care. New York Paid Personal Prenatal Leave passed on the heels of the federal Pregnant Workers Fairness Act, which was signed into law on June 27, 2023. It is anticipated that other states will follow New York’s lead and pass legislation providing paid leave for prenatal health care.

The Basics of New York’s Paid Personal Prenatal Leave

Paid prenatal leave applies to all New York employers and there is no minimum employee threshold. The leave is in addition to the leave provided by the New York Paid Sick Leave Law and New York Paid Family Leave. Paid personal prenatal leave is defined as “leave taken for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy.” The leave may be taken in hourly increments and is paid at the employee’s regular hourly wage (or alternatively, the New York minimum wage, whichever is higher). Employers are not required to pay out employees for unused prenatal leave at the end of an employee’s employment.

Relationship With New York Paid Sick Leave Law

The Paid Prenatal Personal Leave amendment is subject to some of the same requirements as the law it amends, the New York Paid Sick Leave Law. Thus, employers are barred from releasing confidential information about an employee’s paid prenatal personal leave. The law also forbids retaliation against an employee who requests or takes paid prenatal personal leave.

There are some unanswered questions regarding the implementation of the Paid Prenatal Personal Leave amendment. These include specifics regarding employee notice and documentation requirements, and whether leave hours carry over from year to year. The New York Department of Labor is expected to publish FAQs or regulations to address these questions in the near future.

Takeaway: Employers with New York employees should ensure that they provide paid prenatal personal leave. In addition, employers with New York employees should review their handbooks and amend them to include paid prenatal personal leave. Finally, employers should be on the lookout for the FAQs/regulations that the New York Department of Labor will publish for clarifying information about the new law. If you have questions on New York Prenatal Personal Leave or any federal or New Jersey employment law, contact [Stephanie Gironde](#) or any member of the Wilentz [Employment Law](#) Team.

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