

## New York State Provides Paid Prenatal Care Leave

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Effective January 1, 2025 all pregnant workers in New York became eligible for up to 20 hours of paid leave per year (defined as a 52-week period), to receive prenatal care. (Paid Prenatal Leave Law “PPLL”). This leave is separate from and unrelated to other types of paid family or sick leave benefits. The guidance ([NY DOL FAQ regarding PPLL](#)) states that “[a]n employer cannot require an employee to choose one leave type over another or require an employee to exhaust one type of leave before using Paid Prenatal Leave.”

PPLL covers all employees of any private-sector employer, regardless of the number of employees working for the employer. Employees do not accrue Paid Prenatal Leave, **the entire leave benefit of 20 hours is available to an employee at the time of hire**. Additionally, FAQs clarify that Paid Prenatal Leave may only be taken by an employee directly receiving the prenatal healthcare services. It specifically provides that spouses, partners, or other support persons attending such appointments are not eligible for the Paid Prenatal Leave benefit.

The law requires employers to provide paid leave for healthcare services received by an employee during or related to the employee’s pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with healthcare providers. Paid Prenatal Leave may also be used for fertility treatments, including in vitro fertilization and end-of-pregnancy care appointments. PPLL does not apply to postnatal or postpartum appointments. Employers are prohibited from asking for details about the reasons for prenatal appointments, or requesting medical records or documents.

According to the FAQs, the 52-week period begins from the date prenatal leave is “first recorded on an employee’s timesheet.” If an employee becomes pregnant more than once in a 52-week period, the employee may use any remaining balance of the 20 hours of paid prenatal leave from the first pregnancy.

Employees may use the paid prenatal leave in hourly increments. The leave must be paid at the employee’s regular rate of pay or the applicable minimum wage, whichever is greater.

As can be expected, employers are prohibited from retaliating against employees who request or use Paid Prenatal Leave.

While the FAQs suggests that employers maintain clear records of all available leave types and the amounts of each type of leave used, the amount of used Paid Prenatal Leave is not required to be identified on pay stubs.

**Takeaway:** Employers should communicate with their employees regarding the availability of Paid Prenatal Leave and the mechanism to request same. If you have questions on the New York Paid Prenatal Leave Law or any federal or New York/New Jersey employment law, please contact [Tracy Armstrong](#), or any member of the Wilentz [Employment Law](#) Team.

### Attorney

- Tracy Armstrong

### Practice

- Employment Law