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Labor & Employment Alert

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New York enacts first-of-its-kind prenatal leave law

By Christopher J. Stevens and Tara E. Daub

Effective January 1, 2025, New York employers will be required to provide paid prenatal leave to eligible employees during their pregnancies.



What's the impact?

- Prenatal leave is available in addition to, and may be taken separately from, the current statutory sick leave benefits available to New York employees under the Paid Sick Leave Law.
- Private sector employers with four or more employees should review their policies and ensure that they are prepared to comply before the law takes effect.

New York has become the first state in the nation to enact a paid prenatal leave benefit for pregnant workers. Enacted as part of New York State's latest budget, this amendment to Section 196-b of the New York Labor Law, also known as the New York State Paid Sick Leave Law, takes effect beginning January 1, 2025. Under the amended law, employers will be required to provide pregnant employees up to 20 hours of prenatal leave for certain healthcare services relating to their pregnancies. Though some issues remain unclear, and additional guidance from the state is

expected before the January 1, 2025, effective date, this first-of-its kind law sets a new bar, and it is expected to inspire other states to follow suit.

Key provisions of New York’s prenatal leave law include:

- / **Leave Use and Duration:** Eligible employees can take up to 20 hours of paid prenatal leave “during any 52-week period.” Leave can be used for any qualifying reason in increments of one hour at a time.
- / **Qualifying Uses:** Employees can use prenatal leave “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.”
- / **Leave Pay:** Prenatal leave must be paid at 100% of the employee’s regular rate of pay. Like other types of leave under the New York Paid Sick Leave Law, an employer is not required to pay employees for unused leave upon separation from employment.
- / **Relation to Other Leave:** Prenatal leave is available in addition to, and may be taken separately from, the current statutory sick leave benefits available to New York employees, which vary depending on the size of the employer.
- / **Effective Date:** Employers will be required to provide paid prenatal leave to eligible employees beginning on January 1, 2025.
- / **Further Guidance Anticipated:** Some aspects of the amended law remain unclear, such as whether some of the New York Paid Sick Leave Law’s other definitions will apply, how much notice may be required to take leave, documentation, whether any carry-over is required, and other details.

Prenatal leave compliance checklist

Employers in New York should review their policies and procedures to ensure that they are prepared to comply before the law takes effect. Key steps for employers include:

- / Updating employee handbooks and leave policies to reflect the new prenatal leave benefit;
- / Training managers and HR staff on the law’s requirements and procedures;
- / Ensuring payroll systems are configured to properly administer prenatal leave pay; and
- / Consulting with legal counsel to navigate the details of this significant new employee benefit.

Nixon Peabody’s [Labor & Employment attorneys](#) regularly help businesses assess compliance practices and develop and update workplace policies, procedures, and trainings. For more information on New York’s prenatal leave law, please contact your Nixon Peabody attorney or:

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