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Labor & Employment Alert

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New York employment laws — 2025 updates

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Employers with employees in New York should act now to review and update their policies and pay practices to ensure compliance with new laws.



What's the impact?

- New York State made various changes to wage and hour and paid leave laws, which will require employers to review internal policies and pay practices.
- Employers can expect additional guidance from the New York State Department of Labor regarding the implementation of some of these new laws.

As we start 2025, employers with employees in New York should stay informed of the latest labor and employment laws and regulations that were recently rolled out. This list is intended to be a high-level review of these changes to help employers navigate the changing employment landscape. Understanding and implementing policy changes to comply with these new laws and regulations is essential to protect your workforce and reduce risk exposure.

Minimum wage increases

New York continued its trend of raising the minimum wage. Effective January 1, 2025, the general minimum wage for hourly workers in New York City, Long Island, and Westchester County is now \$16.50 per hour, and the minimum for the remainder of the state is now \$15.50 per hour.

Employers can expect another increase next year. On January 1, 2026, the minimum wage in New York City, Long Island, and Westchester will be raised to \$17.00 per hour, and the minimum for the remainder of the state will be raised to \$16.00 per hour.

Separate minimums apply to tipped service workers in the hospitality industry, tipped food service workers, and home healthcare workers.

Overtime exemption salary threshold increases

New York imposes a higher minimum salary than the minimum required under federal law for certain employees to be treated as “exempt” from minimum wage and overtime pay requirements. Employees in New York who work in an “executive” or “administrative” capacity and meet the salary thresholds set by state regulations may be exempt from the state’s overtime pay requirements. As of January 1, 2025, the new weekly minimum salary threshold for exempt status increased from \$1,200.00 to \$1,237.50 per week in New York City, Long Island, and Westchester and increased in the remainder of the state from \$1,124.20 to \$1,161.65 per week.¹

Employers can expect the minimum salary thresholds to increase again in 2026. On January 1, 2026, the weekly minimum salary threshold for exempt “executive” and “administrative” employees will be increased to \$1,275.00 per week in New York City, Long Island, and Westchester and in the remainder of the state to \$1,199.10 per week.

Paid prenatal leave

Effective January 1, 2025, New York became the first state to require paid prenatal leave for employees. Amending New York Labor Law §196-b, all private employers in New York must provide up to 20 hours of paid leave during any 52-week calendar period to all full-time and part-time employees for prenatal healthcare services received by employees during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a healthcare provider needed to ensure a healthy pregnancy. Fertility treatment and care and end-of-pregnancy care appointments are also covered. Only the employee directly receiving the prenatal care is eligible for this leave, which

¹ New York does not impose a higher minimum salary for “professional” employees. Those employees must only be paid the minimum weekly salary under the federal Fair Labor Standards Act to meet this portion of the exemption test. Following a recent nationwide injunction blocking the US Department of Labor’s final rule, which would have increased the FLSA minimum salary, the DOL is applying the 2019 minimum salary of \$684.00 per week.

must be taken in hourly increments. Employees do not accrue this leave and instead are automatically entitled to the full 20 hours. This leave is a stand-alone benefit separate from—and in addition to—other New York leave policies and laws (such as paid sick leave).

Paid lactation breaks

As of June 19, 2024, New York Labor Law § 206-c was amended to require employers to provide up to 30 minutes of paid lactation breaks for an employee to express breast milk. Employers previously were required to provide reasonable unpaid break time or allow employees to use any existing paid break time or meal period time to express breast milk. The paid lactation breaks are in addition to any regularly paid break times.

The New York State Department of Labor (NYSDOL) recently provided guidance to clarify that employers must provide 30 minutes of *paid* break time *each time* an employee needs to express breast milk. According to the NYSDOL, employers “must allow employees to take breaks as often as they reasonably need to express breast milk” because “[e]ach employee is different, and employers must accommodate employees based on each individual’s needs.”

Sunsetting COVID-19 paid sick leave

The New York State COVID-19 Emergency Leave Law, enacted in March 2020 at the height of the COVID-19 pandemic, provides employees with paid leave whenever they are subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. This paid leave is now set to expire on July 31, 2025. Employees may still use other qualifying paid leave for COVID-19-related reasons after the COVID-19 Emergency Leave Law expires, but employers will no longer be required to provide this additional paid leave time.

New York Clean Slate Act

The [New York State Clean Slate Act](#) took effect November 16, 2024. The Act is intended to increase employment opportunities for individuals with criminal convictions by automatically sealing certain convictions and further restricting employers’ use of criminal conviction information in making hiring decisions. Among other provisions, the Clean Slate Act prohibits employers from inquiring about automatically sealed convictions and making adverse employment decisions based on automatically sealed New York state convictions. The Act automatically seals conviction records after a certain amount of time has passed since the individual’s release from prison or the imposition of sentence if there was no incarceration, provided the individual has not reoffended. If the conditions of the Act are met, misdemeanor convictions are sealed after three years and felony convictions after eight years. Serious offenses, such as Class A felonies, sex crimes, and sexually violent offenses, are exempt from being automatically sealed. The Act does not apply to federal offenses or convictions in other states.

Employers that conduct criminal background checks covering New York convictions must ensure their background check practices comply with the Act. Employers conducting legally required background checks or who are authorized to run fingerprint-based background checks because applicants will work with children or with elderly or vulnerable adults are still permitted to access and consider sealed convictions. Importantly, employers must provide additional notices to applicants and employees regarding the criminal history information they receive, regardless of whether they are considering taking an adverse action based on the criminal record of an applicant or employee.

New York Retail Worker Safety Act

Effective March 3, 2025, employers with at least ten employees working at a retail store must implement a written [workplace violence prevention policy](#) and conduct employee training. The written policy must include (1) factors that place retail employees at risk, (2) methods employers may use to prevent workplace violence, (3) information concerning federal, state, and local statutory provisions concerning violence against retail employees and remedies available to victims, and (4) a statement that retaliation against individuals who complain of workplace violence in any way is unlawful. The training program must cover various topics, such as active shooter drills, emergency procedures, and protection measures.

Additionally, effective January 1, 2027, employers with 500 or more retail employees nationwide must provide “panic buttons” throughout New York worksites that immediately contact law enforcement.

The NYSDOL is expected to issue further guidance on the implementation of this Act before it goes into effect in March.

For assistance in complying with these new laws, please contact your Nixon Peabody attorney or:

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