

NYS Paid Prenatal Leave: Employers Must Manage a New Entitlement in the New Year

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Takeaways

- As of 1/1/25, all private-sector employers in New York, regardless of their size, must provide eligible employees 20 hours of paid prenatal leave.
- Paid prenatal leave may be used only by employees directly receiving prenatal healthcare services.
- New York employers should review and update their policies and practices to comply.

Related link

- [New York State Paid Prenatal Leave Frequently Asked Questions](#)

Article

Beginning Jan. 1, 2025, all private-sector employers in New York must provide eligible employees 20 hours of paid prenatal leave.

An amendment to the New York Paid Sick Leave Law (Labor Law Section 196-b) mandates employers to provide 20 hours of paid prenatal personal leave (in addition to existing statutory paid sick leave requirements) in a 52-week period for employees to attend prenatal-related appointments and procedures.

The New York State Department of Labor has released FAQs [guidance on the new law](#). According to the FAQs, paid prenatal leave is a separate entitlement from any other leave policies. Eligible employees are entitled to paid prenatal leave in addition to any other available leave options. This differs from other leave policies, such as the state's Paid Sick Leave Law, in that paid prenatal leave cannot be inclusive of an employer's paid time off policy. Further, employers cannot require employees to choose one leave type over another or require employees to exhaust one type of leave before using paid prenatal leave.

Covered Employers

All private-sector employers, regardless of size, are covered by the new leave requirement. The FAQs broadly define "private-sector employers" to include "persons, corporations, limited liability companies, or associations employing any individual in any occupation, industry, trade, business, or service, regardless of part-time status, and overtime exempt status."

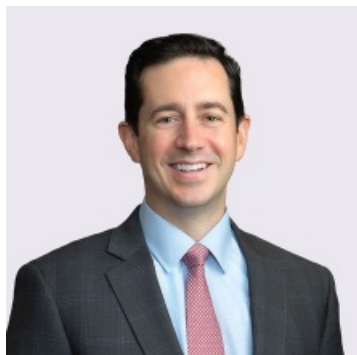
Eligible Employees; Permitted Uses of Leave

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Paid prenatal leave may be used only by employees directly receiving prenatal healthcare services. These services include:

- Physical examinations
- Medical procedures
- Monitoring and testing
- Pregnancy-related discussions with healthcare providers
- Fertility treatments
- End-of-pregnancy appointments

Spouses, partners, or other support persons may not use paid prenatal leave to attend prenatal appointments with eligible employees.

Regardless of the length of time employed, eligible employees are entitled to 20 hours of paid prenatal leave in a 52-week period. The 52-week period commences on the first day paid prenatal leave is used.

Leave Requests

The FAQs state that the Department of Labor “encourages employers to communicate how to request leave to their employees.” They also state that employees should request leave in a similar manner to requesting other time off using their employers’ existing notification and request procedures.

Employers cannot ask employees to submit medical records or documents or to disclose confidential information regarding their prenatal appointments or any underlying medical condition, including pregnancy, as a condition of requesting to use paid prenatal leave.

New York employers should take steps to ensure compliance with the new law, including updating their policies and practices. Please contact a Jackson Lewis attorney with any questions about compliance with this law or any other workplace issues.

(Law Graduate Samantha C. Lauring contributed to this article.)

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