

# Client Alert **Employment and Labor**

## **Special Delivery: New Prenatal Leave Requirements Arrive for All New York Employers in the New Year**

The rights of pregnant employees have expanded under federal and state laws in recent years. Most recently, starting in 2025, all New York private employers will be required to provide paid “prenatal personal leave” to employees for any health care services relating to their pregnancy, in addition to existing paid sick leave. This is the first law in the nation of its kind. This landmark new law is summarized below.

The Paid Prenatal Leave Law in New York (“NY PPLL”) comes on the heels of other recent expansions of protections for pregnant workers, including “reasonable accommodations” for pregnant employees under New York, New Jersey and federal laws, which we [reported](#) on earlier this year. In addition, the rights of nursing mothers to be provided with breaks and a private space for expressing breast milk also have expanded in recent years. New York law now requires 30-minute *paid* breaks, which is also summarized below.

These developments highlight that pregnant employees are entitled to increased rights and benefits in the workplace. It is important for employers to update their policies and practices and to provide appropriate training to the management team.

### **Prenatal Personal Leave**

Effective January 1, 2025, New York State amended its paid sick leave law to require employers of all sizes to provide 20 hours of paid prenatal personal leave during any 52-week calendar period. Note that the NY PPLL leave *is in addition to existing New York State and New York City sick time requirements*. NY PPLL leave must be provided to eligible employees, without any accrual schedule and regardless of length of service.

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Under the NY PPLL law, “prenatal personal leave” means 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/testing and discussions related to the pregnancy. According to the published [FAQ](#), NY PPLL leave also extends to fertility treatments and end-of-pregnancy procedures. However, because the employee’s leave rights end when the pregnancy ends, the NY PPLL does not cover post-natal or post-partum appointments.

According to the published FAQ, NY PPLL leave is available only to the directly impacted employee receiving the services, not to a partner, spouse or other family member. Such leave may be taken in hourly increments and compensation is to be paid at the employee’s regular rate of pay, or the applicable minimum wage, whichever is greater. Employees should request time off like any other time off by using existing notification/request procedures within their workplaces. Employers may not request confidential information about the employee’s health condition, or medical records about the need for leave.

The NY PPLL does not require employers to pay an employee for unused paid prenatal leave upon the employee’s separation for any reason. The law prohibits employers from retaliating against an employee for their use of such leave. While employers are not required to track this bucket of time on an employee’s pay stub, the FAQ provides that it is a best practice to maintain clear records of available types of leave and amounts of types of leave used in a manner accessible to both the employer and employee.

### **Paid Breaks for Expressing Breast Milk**

While it is not a new development for employers to provide breaks and to designate a private room or place for pregnant employees to express breast milk, effective June 2024, New York amended its Labor Law to require employers to provide a 30-minute paid break to pump breast milk at work, which may be combined with other breaks. Moreover, employees are entitled to a 30-minute paid break each time such employee has “a reasonable need” to express breast milk for up to three years following the birth of a child. New York employers also are required to provide employees with a [published notice](#) upon hire, on an annual basis and upon an employee’s return to work following the birth of a child. Employers are prohibited from discriminating against an employee who chooses to express breast milk in the workplace.

### **Takeaways**

The recently expanded protections afforded to pregnant employees highlight the need for employers to respond appropriately when a pregnant employee makes a request, whether it be for time off for a health care appointment or for an accommodation in the workplace. Given that supervisors and managers are likely to receive these requests, it is critical for employers to provide training to ensure compliance. It bears emphasis that

leave for pregnant employees is complicated due to the overlapping of the employee's own medical condition due to pregnancy and recovery from childbirth and care of their newborn. This situation potentially involves multiple layers of leave statutes and benefit programs, including federal and state family and medical leave laws, disability and family leave insurance benefits. Further, an employee's right to express breast milk at work requires further accommodations and considerations of applicable state and federal laws. These updates highlight the need for employers to periodically review and update policies and practices. Please consult with your Sills Cummis attorney for assistance navigating these rules.

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Our Sills Cummis Employment and Labor Practice Group  
can assist employers regarding the issues raised in this alert.

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