

Legislative Update DECEMBER 2024*

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NEW YORK EMPLOYERS MUST PROVIDE PAID PRENATAL LEAVE TIME IN 2025

The New York State Department of Labor is reminding private employers in the State of New York of a new law amending Labor Law section 196-b concerning their obligation to offer paid prenatal leave time to employees. Beginning January 1, 2025, New York's Paid Prenatal Leave law will go into effect. This first-in-the-nation law will require private employers to provide pregnant employees with 20 hours of paid prenatal leave, ensuring that pregnant employees can take time off for medical appointments related to pregnancy without the fear of losing income.

Paid prenatal leave applies to all private employers in New York state, with no minimum employee threshold, and is applicable to both full-time and part-time employees. Pregnancy-related health care includes physical examinations, medical procedures, monitoring, testing, and discussions with a health care provider related to the pregnancy.

This personal leave time may be taken in hourly increments, and compensation provided must be at the employee's regular rate of pay or the applicable minimum wage, whichever is greater. Employers are not required to pay an employee for unused prenatal personal leave at the time of separation from employment.

For more information about Paid Prenatal Personal Leave and how it affects employers' existing paid leave policies, please visit www.ny.gov/prenatal. Answers from the New York State Department of Labor (NYSDOL) to Frequently Asked Questions can be located at <https://www.ny.gov/new-york-state-paid-prenatal-leave/frequently-asked-questions>. Information for employers is at www.ny.gov/new-york-state-paid-prenatal-leave/information-employers.

According to NYSDOL, Paid Prenatal Leave is a separate, stand-alone benefit from other leave laws and policies, such as New York State sick leave. Employers must provide 20 hours of paid prenatal leave to their employees annually in addition to any other leave options available to them.

According to NYSDOL, an employee has the option to use New York State sick leave, paid prenatal leave, or an existing employer leave policy to attend prenatal health care appointments. However, an employer cannot require an employee to use one leave type over another.

Source: New York State Department of Labor (NYSDOL)

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