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New York Provides Paid Prenatal Leave and Sunsets COVID-19 Sick Leave

On April 20, 2024, Governor Kathy Hochul signed the 2025 state budget that includes an amendment to the New York Paid Family Leave (“NYPFL”) law requiring employers to provide 20 hours of paid prenatal care. This “first-in-the-nation” prenatal leave effective January 1, 2025, makes available additional paid, protected leave for pregnant employees for prenatal care in addition to existing paid leave entitlements.

In addition, the separate New York COVID-19 paid sick leave law will sunset as of July 31, 2025.

■ Paid Prenatal Personal Leave

New York employers will be required to provide 20 hours of Paid Prenatal Personal Leave (“prenatal leave”) during any 52-week calendar period that can be taken by the employee for pregnancy-related health care services including:

- physical examinations,
- medical procedures,
- monitoring and testing, and
- discussions with a health care provider related to pregnancy.

Prenatal leave may be taken in hourly increments with employees paid at their regular rate of pay, or the applicable minimum wage whichever is greater. An employer is not required to pay an employee for unused prenatal leave at an employee’s termination, resignation, retirement, or separation from employment.



Prenatal leave is in addition to leave entitlements provided by other New York leave laws including paid sick leave and NYPFL. Some employees may also qualify for unpaid leave under the Family and Medical Leave Act (“FMLA”) for serious health conditions.

Employers shall not retaliate against an employee for exercising their rights to prenatal leave and employees must be restored to their position of employment prior to any prenatal leave with the same pay and other terms and conditions of employment.

■ Employer Action

New York employers should review and be prepared to update, communicate, and coordinate existing leave policies and paid leave requirements with the new paid prenatal personal leave provisions that become effective January 1, 2025.

Employers should also be prepared for the sunset of the COVID-19 paid sick leave, effective July 31, 2025.