



New York Issues Guidance on Paid Prenatal Leave

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As previously reported, effective January 1, 2025, New York employees will be entitled to 20 hours of paid prenatal leave in a 52-week period to be used for prenatal healthcare service appointments during their pregnancy or related to their pregnancy. New York has published guidance in the form of Frequently Asked Questions (“FAQs”) to help employers prepare for the new paid leave requirement.

Highlights from the FAQs are summarized below.

■ Summary:

Paid Prenatal Leave	Paid prenatal leave is a stand-alone benefit available to employees seeking prenatal healthcare services. An employer cannot require an employee to choose one leave type over another or require an employee to exhaust one type of leave before using paid prenatal leave.
Covered Employers	All private sector New York employers are subject to the paid prenatal leave requirements, regardless of size.
Covered Employees	All employees working for a private sector employer in any occupation are entitled to paid prenatal leave including full-time and part-time employees. This leave is only available to the employee and does not extend to the spouse, partner or other individual.
Amount of the Benefit	Employees are entitled to 20 hours of paid prenatal leave in a 52-week period measured from the first time the employee uses paid prenatal leave. The triggering date is the date that the leave is first recorded on an employee’s timesheet.
When Benefits Are Available	Employees are entitled to 20 hours of paid prenatal leave as of their hire date as there is no requirement to work a minimum amount of time before benefits may be taken. This benefit is in addition to any other leave benefits that may be available such as under the New York sick leave provisions.
How Benefits are Taken and Paid	Paid prenatal leave is taken in hourly increments with employees paid their regular rate of pay, or the applicable minimum wage established by the Labor Law, whichever is greater.



Covered Health Care Services	Benefits include health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. In addition, leave may be taken for fertility treatment or care appointments, including in vitro fertilization as well as end-of-pregnancy care appointments. The leave does not apply to post-natal or postpartum care.
Employee Notification to the Employer	Employees should request time off in accordance with existing notification/request procedures within their workplaces and are encouraged to provide advance notice of such leave requests, when possible. Employers may not request medical records or ask employees to disclose confidential information about their health condition when requesting paid prenatal leave.
Employer Recordkeeping	Employers are not required to separately identify paid prenatal leave on employee paystubs but are encouraged to keep accurate records.
Retaliation	Employers may not retaliate against employees for requesting paid prenatal leave. Employees may report allegations of retaliation by emailing the Division of Labor Standards.

■ Employer Action

Employers should review and update leave policies to include the new paid prenatal leave benefit and ensure that eligible employees have access to the paid leave benefit as of January 1, 2025.