New York Becomes First State to Require Paid Leave for Prenatal Care

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Governor Kathy Hochul signed a series of bills comprising the 2024-25 New York State Budget into law on April 22, 2024. New York employers should pay particular attention to Part M of the Public Protection and General Government Act (A-8305-C), which amends the state's Labor Law and establishes the nation's first-ever requirement to provide paid leave for prenatal care.

Starting on January 1, 2025, all employees in New York State will be entitled to 20 hours of paid prenatal personal leave annually separate and apart from any other paid sick leave required by law. Under the law, paid prenatal personal leave may be used for health care services received by an employee during their pregnancy or related to such pregnancy, including:

- Physical examinations.
- Medical procedures.
- Monitoring and testing.
- Discussions with a health care provider related to pregnancy.

Employees may use paid prenatal personal leave in hourly increments and shall receive their regular rate of pay. Employers are not required to pay an employee for unused paid prenatal personal leave upon separation from employment. An employer may not require an employee to disclose confidential medical information as a condition of using paid prenatal personal leave and retaliation against an employee is strictly prohibited.

In light of this significant legal change, employers with employees in New York State should review and revise their employee handbooks, including their paid leave policies, to ensure compliance in advance of the January 1, 2025 deadline.