

New York is the First State Where Employers Must Pay for Prenatal Personal Leave

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New York is the first state in the United States to mandate employers pay for prenatal personal leave, a huge step forward in protecting employees from [pregnancy discrimination](#). Starting on January 1, 2025, an important amendment to [New York Labor Law section 196-b](#), the state's paid sick leave law, will require New York employers to provide employees with 20 hours of paid prenatal personal leave per 52-week period. Additionally, an amendment to [New York's Labor Law §206-c\(i\)](#), Right of Nursing Employees to Express Breast Milk, which went into effect June 19, 2024, protects breast feeding employees by providing them specific paid breaks for up to three years following childbirth.

Paid prenatal personal leave is a notable amendment signed on April 2024 by New York Governor Kathy Hochul. Paid leave could be used for purposes of health care services during or related to their pregnancy, such as physical examinations, medical procedures, monitoring and testing, as well as avail the patient for necessary pregnancy-related discussions with their health care provider.

This paid prenatal leave is on top of what is already provided under New York State's Paid Sick Leave Law covering paid sick leave of up to 40 or 56 hours, depending on if the employer has between 5 – 99 employees (40 hours) or has 100 or more employees (56 hours) in a given calendar year.

If you are an employee looking to learn more about your pregnancy rights and safeguard yourself against potential pregnancy discrimination, this paid prenatal personal leave amendment will be an invaluable resource. Here is what you need to know:

- **Hourly Increments:** Paid prenatal personal leave may be taken in hourly increments.
- **Compensation:** Employees who take prenatal personal leave will receive compensation at either the employee's regular rate of pay, or the applicable minimum wage, whichever is greater.
- **Separation:** An employer is not required to pay an employee for unused paid prenatal leave upon employment separation including but not limited to employee's termination, resignation, or retirement.
- **Confidential:** Consistent with Paid Sick Leave Law, the employer may not require the disclosure of confidential information around a mental or physical illness, injury, or health condition as a condition of providing sick leave or paid prenatal personal leave.

In addition to New York's paid prenatal care leave amendment, as of June 19, 2024, New York employers are now mandated to provide paid lactation breaks for nursing employees. Paid lactation break times are required for nursing employees for up to three years following childbirth.

Protections against pregnancy discrimination exist in the postpartum stage as well. Thanks to New York's Labor Law §206-c(i), Right of Nursing Employees to Express Breast Milk, new mothers are supported when expressing breast milk at work for a specified amount of time. It originally mandated employers provide "reasonable" unpaid time. It has been amended so all employers of New York workers are required to provide:

- **Paid breaks:** New York employers need to provide 30-minute paid breaks when an employee needs to express breast milk in the workplace.
- **Extended Breaks:** When more than 30-minute breaks are required to express breast milk in the workplace, New York employees can utilize other paid breaks and mealtimes.

Wigdor LLP has decades of experience representing women whose employers have discriminated against them on the basis of their pregnancy. We specialize in representing women in all fields, from our [breast pumping class-action suit](#) against Avon to “Mommy-Tracking” discrimination suits against Goldman Sachs and Deutsche Bank.