

## **Paid Prenatal Leave**

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**Revised:**

**Reviewed:**

### **New York State Paid Prenatal Leave Law**

Starting January 1, 2025, the New York State Paid Prenatal Leave Law (NYS Labor Law Section 196-b) requires all private-sector employers in New York State to provide their employees with 20 hours of Paid Prenatal Leave each year. All private sector employees are entitled to Paid Prenatal Leave including those that work part-time or are overtime exempt.

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### **Covered Prenatal Health Care Services**

Employees are entitled to take Paid Prenatal Leave for prenatal health care appointments during or related to their pregnancy.

Pregnancy-related health care appointments include:

- physical examinations
- medical procedures
- monitoring
- testing
- discussions with a health care provider needed to ensure a healthy pregnancy
- end of pregnancy care
- fertility treatment

Only employees directly receiving prenatal health care may use Paid Prenatal Leave. A spouse, partner, or another support person attending prenatal appointments with a pregnant person is not entitled to Paid Prenatal Leave. Health care appointments after pregnancy are not covered by Paid Prenatal Leave.

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### **Existing Leave Policies**

Paid Prenatal Leave is a separate, stand-alone benefit from other leave laws and policies, such as the New York State Sick Leave. Employers must provide 20 hours

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of Paid Prenatal Leave to their employees annually in addition to any other leave options available to them.

An employee has the option to use NYS 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.

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### **No Minimum Work Requirement**

An employee does not need to work a minimum number of hours to accrue Paid Prenatal Leave. All employees working for a private sector employer, including newly hired employees, are automatically entitled to 20 hours of Paid Prenatal Leave, each year.

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### **Trigger Date and Record Keeping**

Paid Prenatal Leave is measured in 52-week periods. An employee is entitled to 20 hours beginning on the date they first utilize the leave and ending 52 weeks later. For example, if an employee uses Paid Prenatal Leave for the first time on June 1st, 2025, they are entitled to 20 hours of Paid Prenatal Leave between June 1st, 2025, and May 31st, 2026. If after May 31st, 2026, that same employee next needs to use Paid Prenatal Leave on August 2nd, 2026, that date would trigger the start of 52 weeks for which the employee is entitled to 20 hours Paid Prenatal Leave.

Unused benefit hours do not carry over to the following 52-week period and all employees, regardless of how long they have been with the employer, are entitled to 20 hours of leave.

While the law does not specifically require recordkeeping on paystubs, it is a best practice to maintain clear records of available types of leave and amounts of types of leave used in a manner accessible to both the employer and employee.

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### **Compensation for Paid Prenatal Leave**

Employers must pay employees using Paid Prenatal Leave at their regular rate of pay, or at the appropriate minimum wage for their occupation, whichever is greater.

If an employee stops working for an employer without using all of their Paid Prenatal Leave, the employer is not required to pay an employee for any unused Paid Prenatal Leave hours.

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### **Disclosure of Health Details Prohibited**

An employer cannot ask an employee for personal or confidential information about their health or the nature of their prenatal visit as a condition of using Paid Prenatal Leave. An employer also cannot request that an employee submit medical records to use Paid Prenatal Leave.

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### **Time-off Notification Procedures**

Employees should request or notify their employer that they are using Paid Prenatal Leave in the same way they would request or notify their employer of other types of time off at their workplace. The New York State Department of Labor encourages employers to communicate to their employees what notification or request procedures they should follow when requesting time off. Employers must allow employees to use Paid Prenatal Leave when they request it, until all 20 hours of leave they are entitled to each year have been used.

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### **Paid Prenatal Leave Hours**

Employers must permit employees to take Paid Prenatal Leave in hourly increments. For example, if an employee only needs 1 hour of Paid Prenatal Leave to attend a prenatal health care appointment, but is available to work the remaining hours in the workday, they must be permitted to do so.

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### **Retaliation and Discrimination Prohibited**

It is against the law for employers to retaliate or discriminate against employees for requesting and using Paid Prenatal Leave. Examples of employer retaliation may include:

- Reducing the number of hours of sick leave, vacation leave, or other leave an employee is entitled to because an employee uses Paid Prenatal Leave.
- Changing an employee's work location or hours after an employee requests to use Paid Prenatal Leave.
- Firing or demoting an employee after they request to use Paid Prenatal Leave.