

New York Is First State to Offer Employees Paid Prenatal Personal Leave

On April 19, 2024, Governor Hochul signed an amendment to New York Labor Law § 196-b (the statewide paid sick and safe leave law), making New York State the first state to require private employers to offer their employees a paid prenatal personal leave entitlement.

When does it take effect?

- Paid prenatal personal leave takes effect January 1, 2025.

What can paid prenatal personal leave be used for?

- Paid prenatal personal leave can be taken for “the 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.”

How is the entitlement administered?

- Paid prenatal personal leave may be taken in hourly increments.
- The statute does not restrict the number of times paid prenatal leave can be taken by a single employee over time, other than limiting the use to 20 hours in a 52-week period.

Must paid prenatal personal leave be paid out at termination of employment?

- No. Employers are not required to pay out this benefit at termination of employment, resignation, retirement, or other separation from employment. However, we suggest that employers explicitly state this in their policies.

Can paid prenatal personal leave run concurrently with other leave entitlements?

- Paid prenatal personal leave is in addition to paid sick and safe leave (40 or 56 hours, depending on the size of the employer).
- As to whether PTO policies can run concurrently with New York’s paid prenatal personal leave, that remains to be seen. The paid prenatal personal leave entitlement is part of New York’s paid sick leave program, and that program generally allows PTO policies to comply if they meet or exceed the law’s leave amount, use, accrual, and carryover requirements. As such, it is possible that paid prenatal personal leave will mirror New York’s paid sick leave requirements regarding concurrence. However, that remains to be seen.

We expect New York to issue guidance to help employers prepare for its implementation. In the meantime, we recommend that employers begin to analyze their policies for potential changes.



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