

NEW YORK

New York Publishes FAQs for New Paid Prenatal Leave Requirement

New York has published [answers to frequently asked questions](#) (FAQs) on its webpage for the state's new paid prenatal leave mandate, which takes effect Jan. 1, 2025. There are 28 FAQs in all, providing clarity about the requirement.

Paid Prenatal Leave

Paid prenatal leave was passed as an amendment to the New York paid sick leave law. It requires all private employers to provide employees with 20 hours of paid prenatal personal leave per 52-week period for health care services during pregnancy or related to the pregnancy. The full 20 hours must be made available for immediate use on Jan. 1 without any accrual or waiting period. It must be provided in addition to the annual sick leave the law already mandates.

FAQs

The FAQs reiterate that all private-sector employees are covered, including part-time workers, and state that the new leave is separate from other leave policies and laws. Other key points in the FAQs include the following:

- Only the employee directly receiving prenatal health care services may use the leave; it is not available to spouses, partners or other support persons;
- Prenatal appointments may be covered by the new prenatal leave, paid sick leave or an employer's existing leave policy. Employers cannot require an employee to choose one leave type over another or exhaust one type of leave before using paid prenatal leave; and
- The leave covers physical exams, medical procedures, monitoring and testing, and discussions with a health care provider related to a pregnancy, including fertility treatments such as in vitro fertilization. It covers end-of-pregnancy care appointments but **not** postnatal or postpartum appointments.

The FAQs state that employees should use their employers' existing leave notification and request procedures for the new leave. Employers may not request confidential health information from workers requesting leave, nor may they require medical records or documents following leave.

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Recordkeeping

- While the law does not require recordkeeping on paystubs, the FAQs recommend that employers maintain clear records of available types of leave and amounts of the types of leave used in a manner accessible to both the employer and employee.
- Keeping track of prenatal leave use will also help establish a record of the employee's 52-week period for prenatal leave.

Employers must provide 20 hours of paid prenatal leave for use on Jan. 1, 2025.