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Department  
of Labor

# PAID PRENATAL LEAVE LAW

## Employee Fact Sheet

Starting January 1, 2025, all employees working in the private sector are covered by the New York State Paid Prenatal Leave Law (NYS Labor Law Section 196-b). All full time and part time private sector employees, including employees who are overtime exempt, are entitled to 20 hours of Paid Prenatal Leave per year. Federal, state, or local government employees are not covered by New York State's Paid Prenatal Leave Law. However, employees of non-profit organizations are covered by this law.

Private sector employers include people or businesses, outside of government, that employ others. These employers include persons, corporations, limited liability companies, or associations in any occupation, industry, trade, business, or service.

### COVERED PRENATAL HEALTH CARE SERVICES

Your 20 hours of Paid Prenatal Leave are available for you to take paid time off work for pregnancy-related health care appointments, such as:

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

Paid Prenatal Leave is only available to the pregnant person receiving health services. A spouse, partner, or other support person attending prenatal appointments with a pregnant person is not able to use Paid Prenatal Leave for these appointments.

Paid Prenatal Leave may not be used for health care services after pregnancy.

### PAY FOR PAID PRENATAL LEAVE

You are entitled to 20 hours of Paid Prenatal Leave per year. You must be paid at your regular rate of pay while you take this leave, or at the appropriate minimum wage for your occupation, whichever is greater. If you earn the tipped minimum wage, you must be paid the full minimum wage for your region for any Paid Prenatal Leave you take.

If you stop working for your employer without using all of your Paid Prenatal Leave, your employer is not required to pay you for any unused Paid Prenatal Leave hours.

### REQUESTS FOR PERSONAL HEALTH DETAILS PROHIBITED

You do not need to give your employer any personal or confidential information about your health or the nature of your prenatal appointment to use Paid Prenatal Leave, and your employer cannot ask you for it. You also do not have to submit medical records to use this benefit.

### TAKING PAID PRENATAL LEAVE ON AN HOURLY BASIS

You may take Paid Prenatal Leave on an hourly basis. For example, if you only need one hour to attend a prenatal health care appointment but are available to work the remaining hours in the workday, you can use one hour of leave and return to work for the rest of the day.

### NO MINIMUM WORK REQUIREMENT

You do not need to work a minimum number of hours to earn access to Paid Prenatal Leave. You are entitled to 20 hours of Paid Prenatal Leave per 52-week period. Newly hired employees are entitled to 20 hours of paid prenatal leave as soon as they are hired.

The 52-week period for your 20 hours of prenatal leave is based on when you first use it. It is not tied to the calendar year. For instance, if you use your first hour of Paid Prenatal Leave on June 1st, 2025, you have 20 hours available through May 31st, 2026. If after May 31st, you next need to use Paid Prenatal Leave on August 2nd, 2026, that date would trigger the start of another 52-week period for which you are entitled 20 hours of leave. Unused leave hours do not carry over to the following time period.

## REQUESTING PAID PRENATAL LEAVE

You should let your employer know that you plan to take Paid Prenatal Leave in the same way you would let your employer know you plan to take other types of paid time off at your job. It is encouraged to let your employer know in advance when you plan to take time off with Paid Prenatal Leave. You must be allowed to use Paid Prenatal Leave when you request it, until all 20 hours of leave you are entitled to have been used.

## OTHER LEAVE POLICIES

You have a right to 20 hours of Paid Prenatal Leave per year in addition to any other leave options available to you, including New York State Sick Leave. If you request to use Paid Prenatal Leave, your employer cannot require you to use a certain leave type instead if more than one option is available.

## RETALIATION AND DISCRIMINATION PROHIBITED

It is illegal for your employer to retaliate or discriminate against you 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 available to you because you used Paid Prenatal Leave.
- Changing your work location or hours after you request to use Paid Prenatal Leave.
- Firing or demoting you after you request to use Paid Prenatal Leave.

To learn more about employer retaliation visit: [dol.ny.gov/retaliation](https://dol.ny.gov/retaliation).

If you have been the victim of employer retaliation, you can file a complaint with the New York State Department of Labor by calling **1-888-52-LABOR**, emailing [LSASK@labor.ny.gov](mailto:LSASK@labor.ny.gov), or visiting a Labor Standards Division office. Labor Standards Division offices are listed here: [dol.ny.gov/location/contact-division-labor-standards](https://dol.ny.gov/location/contact-division-labor-standards)

If you have been the victim of discrimination because of your pregnancy, you may file a complaint with the New York State Division of Human Rights by calling **1-888-392-3644** or visiting: <https://dhr.ny.gov/complaint>.

For more information about Paid Prenatal Leave, including frequently asked questions, visit: [ny.gov/programs/new-york-state-paid-prenatal-leave](https://ny.gov/programs/new-york-state-paid-prenatal-leave).



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.

### **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 the employee 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.

### **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 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.

### **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.

### **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 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.

## 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.

## 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.

## 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.

## 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 work day, they must be permitted to do so.

## 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.

To learn more about employer retaliation visit [dol.ny.gov/retaliation](https://dol.ny.gov/retaliation). To learn more about employers responsibilities toward pregnant employees visit: [ny.gov/working-while-pregnant-know-your-rights/guidance-employers-pregnant-or-breastfeeding-employees](https://ny.gov/working-while-pregnant-know-your-rights/guidance-employers-pregnant-or-breastfeeding-employees).

For more information about Paid Prenatal Leave, including frequently asked questions, visit: [ny.gov/programs/new-york-state-paid-prenatal-leave](https://ny.gov/programs/new-york-state-paid-prenatal-leave).