

NY Employers Will Pay For Lactation Breaks and Prenatal Leave and the State Ends COVID-19 Sick Leave

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Governor Kathy Hochul recently signed the New York State Budget for fiscal year 2025. The budget includes bills enacting paid lactation breaks and paid prenatal leave, as well as ending paid COVID-19 leave.

Lactation Breaks

Effective June 19, 2024, employers must provide employees who have a reasonable need to express breastmilk with 30-minute paid lactation breaks. Previously, employers were required to provide an unpaid break time and permit employees to use paid breaks to express breastmilk. The new law specifies that employees are entitled to a lactation break “each time such employee has reasonable need to express breast milk,” meaning that employees may be entitled to multiple paid breaks per day. Under the new law, employees may continue use existing paid breaks, such as a meal break, for lactation. This new requirement is particularly significant for employers with hourly workforces, as an updated lactation break policy is likely necessary to avoid potential wage and hour violations.

Prenatal Leave

Effective January 1, 2025, New York will be the first state to mandate paid prenatal leave. Specifically, employers will be required to provide pregnant employees up to 20 hours of paid leave in a 52-week period. Prenatal leave encompasses leave for healthcare services such as physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. The new law specifies that employees shall be paid for this leave at their regular rate of pay. Significantly, this leave is in addition to the paid sick and safe leave required under New York State and City laws.

COVID-19 Leave

The budget established an end date of July 31, 2025 for COVID-19 sick leave, which previously lacked an expiration date. This leave applies when employees under a mandatory or precautionary order of quarantine or isolation due to COVID-19.

New York employers or any multi-state employers with New York employees should review their existing policies and revise them to comply with these recent changes.

If you have questions concerning these new requirements or NY employment laws, please contact a

member of Kelley Drye's [Labor and Employment team](#).