

New York State Employment Law Updates

The Bottom Line

- The New York State Budget for Fiscal Year 2025 has brought a number of employment law developments for both New York employers and employees.
- With the first change taking effect on June 19, 2024, employers should take steps now to update their policies and practices and keep in mind developments that will also arise in January and July of 2025.

Recently enacted legislation in New York State has resulted in a number of developments impacting employers and employees. Effective **June 19, 2024**, New York employers will be required to provide nursing employees with 30-minute paid lactation breaks. Beginning **January 1, 2025**, New York employers will be required to provide up to 20 hours of paid prenatal personal leave to pregnant employees. Finally, New York's COVID-19 emergency quarantine sick leave law will expire on **July 31, 2025**.

Paid Lactation Breaks

The New York State Labor Law requires employers to provide a reasonable break period each time an employee needs to express breast milk for up to three years after childbirth. Break time can generally be unpaid if it lasts more than 20 minutes, unless the employee opts to use other paid break or meal time available to them for lactation breaks.

Effective June 19, 2024, the Labor Law will be amended to require *paid* 30-minute breaks each time an employee has a reasonable need to express breast milk. If an employee requires more than 30 minutes, employers must permit the employee to use existing paid break time or meal periods to do so.

Paid Prenatal Personal Leave

As New York employers are aware, the New York State Paid Sick Leave Law requires employers to provide employees with up to 40 or 56 hours of leave each year to use for their own or a family member's illness, among other covered reasons.

Beginning January 1, 2025, the law will be amended to require New York employers to provide employees with up to 20 hours of paid prenatal personal leave during any 52-week calendar period. Paid prenatal personal leave can be used for an employee to receive health care services related to pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider. Such paid leave is separate from, and in addition to, any other paid sick leave that the employer already provides. The leave may be taken in hourly increments.

Notably, the law does not address how prenatal personal leave time accrues and whether carryover at the end of a calendar year is required if an employee's pregnancy continues into the new calendar year. Additional guidance from the New York Department of Labor on the details of how employers should administer the law may become available before the January 1, 2025 effective date.

Expiration of COVID-19 Emergency Quarantine Sick Leave

As the last existing state or local mandate of its kind, New York law currently requires employers to provide employees with a certain amount of paid sick leave in the event of a mandatory or precautionary order of quarantine or isolation due to COVID-19, separate from and in addition to other time off entitlements. Certain employees are also entitled to paid family leave or disability insurance benefits due to such orders.

While the law's application has evolved with the ever-changing COVID-19 quarantine and isolation guidance from the CDC and state health department, its applicability has recently been questioned given the CDC's decision to drop the recommendation that individuals isolate for five days after testing positive for COVID-19.

The law has now been amended to reflect that it will expire and be deemed repealed on July 31, 2025. This development follows the December 31, 2023 expiration of the state's paid COVID-19 vaccine leave mandate, which had provided additional paid leave for employees to receive the vaccine. New York employers are reminded that under the state's existing paid sick leave law, employees will still be able to use sick leave for reasons related to their own or their covered family member's illness – including COVID-19 related absences.

For More Information

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