

Insights: Alerts

A Changing Landscape: New York Adds Paid Breastmilk Expression Breaks and Prenatal Leave, and Removes COVID-related Paid Sick Leave

May 13, 2024

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Over the next year, the landscape of leave and break laws is changing in New York. We've outlined a few highlights and key dates below.

Paid Lactation Breaks

On June 19, 2024, all New York employers, regardless of size, will be required to provide *paid* breaks for employees who need to express breast milk for a nursing child. Currently, employers are only required to provide reasonable *unpaid* break time or permit an employee to use existing paid break or mealtime to express breast milk during the workday.

The new law requires employers to provide 30-minute paid breaks each time an employee has a reasonable need to express breast milk for up to three years following the birth of the child. The law will also require employers to permit employees to use existing paid break or mealtime where nursing breaks longer than 30 minutes are needed.

Answers to [FAQs](#) on the New York State Department of Labor's ("NY DOL") website that pre-date the new law explain that employees may take lactation breaks at least once every three hours to pump breast milk at work. However, neither the new law nor existing guidance states whether the new paid break time may be used just once or on multiple occasions during a single workday.

Paid Prenatal Leave

With its paid prenatal leave law, New York becomes the first state to require employers to provide paid prenatal leave to pregnant employees. Beginning **January 1, 2025**, private employers will be required to provide employees with 20 hours of prenatal leave. Like the new paid lactation break law, the paid prenatal leave law will apply to all employers, regardless of size.

Paid prenatal leave will allow pregnant employees to attend prenatal medical appointments, physical examinations, and discussions with healthcare providers related to the pregnancy. The 20 hours of paid leave for prenatal care is *in addition* to private employers' current obligation to provide sick and safe leave to eligible employees, as well as paid parental leave under New York's Paid Family Leave law. Employees may take paid prenatal leave in one-hour increments and must be paid at their regular rate of pay or the applicable minimum

wage, whichever is greater. Employers are not required to pay employees for any unused paid prenatal leave upon separation from employment.

COVID-19 Paid Sick Leave

Finally, New York's COVID-19 Paid Sick Leave Law, which has been in effect since March 2020, will sunset on **July 31, 2025**. The law required certain employers to provide at least five or 14 days of job protected, paid leave to those employees or their dependents who became subject to mandatory quarantine and isolation orders because of the COVID-19 virus. Because quarantine and isolation requirements have changed, the law has been deemed no longer necessary.

Our team will continue to monitor any additional updates or material published by the NY DOL and update this Legal Alert accordingly. If you have any questions about the new rule or this alert, please feel free to contact the member of our Labor and Employment team with whom you are regularly in contact.

Related People



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