



Labor & Employment @Iert

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New Year Brings New and Updated Paid Leave Laws

New York Paid Prenatal Leave Law

Starting January 1, 2025, New York will become the first state to mandate paid prenatal personal leave for all private-sector employees regardless of company size. The law requires New York employers to provide up to 20 hours annually for prenatal or other medical care related to pregnancy.

Provisions of the new law include:

- **Eligibility:** Pregnant employees can take up to 20 hours of paid leave in a 52-week period for medical appointments, procedures, or discussions related to their pregnancy in addition to any other available leave.
- **Usage:** Leave is available immediately upon hire, without requiring accrual, and can be taken in hourly increments.
- **Covered services:** Health care services an employee receives during their pregnancy or related to their pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. Fertility treatment or care appointments, including in vitro fertilization, are also covered. Postnatal or postpartum appointments are *not* covered.
- **Pay rate:** Employees are compensated at their regular rate of pay or the applicable minimum wage, whichever is higher.
- **Protections:** Employers cannot require medical documentation for leave requests, request confidential information regarding the appointments, or retaliate against employees for using this benefit.
- **Intersection with other leave policies and New York's sick leave law:** This leave is in addition to leave that can be taken under existing paid sick leave laws. Notably, even if an employer's existing leave policy exceeds the minimum requirements under New York's paid sick

leave law, employees will be entitled to a separate benefit of 20 hours of paid prenatal leave in addition to any other available leave options.

- **Exclusions:** Unused leave is not paid out upon termination, and the law does not apply to non-pregnant partners or support persons.

Changes in Other States

In addition, several other state leave laws will take effect on January 1, 2025, introducing new benefits and expanding coverage for employees across the United States.

California

An update to California's sick leave law will allow employees to use leave if a family member is a victim of a crime. This complements existing protections for employees who are victims and applies to employers with 25 or more employees.

In another revision to California law, employers can no longer require employees to take up to two weeks of accrued vacation before accessing paid family leave benefits.

Connecticut

Connecticut will expand its paid sick leave law to cover employers with 25 or more employees, down from 50. The updated law also expands eligibility to include almost every occupation (not just retail or service workers). In addition, the accrual rate will increase to 1 hour of leave for every 30 hours worked, and the law now allows leave for broader family definitions, including individuals with close personal ties equivalent to family.

Washington

Washington will expand its paid sick leave law to cover absences due to the emergency-related closure of a workplace or a child's school. Additionally, the definition of family member now includes individuals dependent on the employee for care.

Oregon

The Paid Leave Oregon program will now permit leave for legal processes related to foster child placement or adoption alongside its existing family, medical, and safe leave benefits.

FOR MORE INFORMATION

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