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May 30, 2024

### May Tip of the Month: New York State Budget Brings Employment-Related Developments



The recent passage of the New York state budget brought with it a range of employment-related developments, as well as the notable omission of an expected change. These include the following:

1. **Paid prenatal leave.** New York became the first state to implement paid leave for employees to receive prenatal care. Starting January 1, 2025, New York will require employers to provide employees with 20 hours of *paid* prenatal leave each year. This leave is separate from existing paid sick leave allotments and may be used in hourly increments for healthcare services during or related to their pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a healthcare provider related to the pregnancy.
2. **Paid lactation breaks.** Current New York law grants employees reasonable unpaid break time to express breast milk at least every three hours (or as otherwise reasonably requested by the employee) for up to three years following the birth of their child. However, beginning June 19, 2024, nursing employees will become entitled to 30 minutes of *paid* break time each time they need to reasonably express breast milk during the workday. Employees must also be permitted to use other existing paid break time or meal time if nursing exceeds 30 minutes.
3. **Sunset on COVID-19 paid leave.** New York's COVID-19-related sick leave requirements will remain in place for approximately 14 more months, before sunseting on July 31, 2025.
4. **Liquidated damages for "frequency of pay" violations remain in place.** While initial budget proposals sought to eliminate the imposition of liquidated damages for late wage payments to manual workers under New York Labor Law 191, this proposal did not find its way into the final budget bill. Accordingly, New York employers must continue paying manual workers—defined as employees who spend more than 25% of their time performing a wide range of physical labor—on a weekly basis, at peril of 100% liquidated damages.

Employers should promptly update their practices and policies to comply with these important new developments.

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