

New York City Amends ESSTA: New Prenatal Leave Mandates for Employers

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All private sector employers in New York must provide eligible employees with 20 hours of paid prenatal leave under the New York Paid Sick Leave Law. Employers must now review and ensure their policies and practices comply with additional amendments to New York's Earned Safe and Sick Time Act (ESSTA), which is incorporated within the New York Paid Sick Leave Law.

On May 30, 2025, the New York City Department of Consumer and Worker Protection amended the ESSTA, introducing additional requirements for employer compliance. These updates will take effect on July 2, 2025.

Primary Updates to ESSTA:

- Distributing Safe and Sick Time and Prenatal Leave Policies:** The obligation to have and promulgate an ESSTA policy has been expanded to cover the paid parental leave entitlements. Employers are required to provide their written safe and sick time and paid prenatal leave policies to employees individually at the time of hire, within 14 days of any policy changes, and whenever an employee requests them.
- Provision of Notice of Employee Rights:** The New York City Department of Consumer and Worker Protection recently updated its Notice of Employee Rights for Safe and Sick Leave. Employers are required to distribute this Notice to all new hires and to current employees whenever there are changes to their rights. This is particularly important in light of the changes set to take effect on July 2, 2025. The notice must also be posted.
- Clear Documentation on Pay Stubs:** When an employee uses prenatal leave, their pay statement for that pay period must clearly indicate: 1) the amount of paid prenatal leave used during the relevant pay period and 2) the remaining balance of paid prenatal leave available for use.

Effective July 2, 2025, employers with employees in New York City must comply with the updated policy requirements, notice provisions, and pay stub documentation mandates. Please contact your Vorys attorney for assistance with reviewing or updating your policies to ensure compliance with the new ESSTA amendments or for any related inquiries.