

# Flurry of recent New York employment law developments keep employers on their toes



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As 2024 comes to a close, the labor and employment attorneys of Hodgson Russ wish to alert you to several recent workplace law developments about which New York employers need to be aware.

## **Paid prenatal personal leave**

The New York State Budget for Fiscal Year 2025 amended the existing New York Paid Sick Leave Law by creating a new form of paid leave for employees. Beginning Jan. 1, 2025, employers must provide employees with up to 20 hours (within a 52-week period) of paid prenatal personal leave, which is defined as “leave taken for the health care services received by an employee during their pregnancy or related to such pregnancy.”

The new obligation applies to all private sector employees in New York, including those who are part time or temporary. This leave is only available to the pregnant employee, not spouses or partners. Unlike paid sick leave, which accrues at a rate based on hours worked, prenatal personal leave does not need to be accrued.

Employees may use prenatal personal leave for exams, procedures, monitoring, testing and discussions with health care providers related to their pregnancy. The employee must be paid the regular rate of pay or the applicable minimum wage rate, whichever is greater. Leave may be taken in hourly increments.

## **Sunset of New York COVID-19 Paid Sick Leave Law**

New York’s COVID-19 Paid Sick Leave Law will cease on July 31, 2025. Until then, employees may be eligible for this leave if they or their minor child is subject to a COVID-19 order of quarantine or isolation.

## **Required paid lactation breaks**

As of June 19, 2024, New York employers must provide 30-minute paid lactation breaks to employees each time a covered employee has a reasonable need to express breast

milk. In addition, employees must be permitted to use existing paid break time or meal periods for lactation break time in excess of the paid 30-minute break.

### **NYS Freelance Isn't Free Act now in effect**

New York's Freelance Isn't Free Act took effect Aug. 28, 2024. It requires all businesses that retain the services of a freelance worker to outline the terms of the relationship in a written contract if:

- The cost of a single project is equal to or exceeds \$800, or
- The freelance worker has provided multiple services to the business within a 120-day period that equals or exceeds \$800 in the aggregate.

The act also requires the freelance worker be paid in a timely manner and prohibits employers from discriminating against a freelance worker for exercising those rights.

A freelance worker who prevails on a claim under the act may receive double damages, reasonable attorneys' fees and costs, injunctive relief and other remedies. The New York attorney general may also seek civil penalties under the act.

### **NYS enacts Retail Workplace Violence Prevention Law**

By March 4, 2025, in accordance with the new New York Retail Workers Safety Act (RWSA), businesses with 10 or more retail employees must adopt either a model New York State Department of Labor retail workplace violence prevention policy or create their own policy which meets or exceeds the minimum requirements in the New York State DOL's model. The RWSA also requires retail businesses to ensure employee participation in workplace violence prevention training when hired and then on an annual basis. The act also mandates businesses with 500 or more retail employees

nationwide provide retail employees in New York access to panic buttons in the workplace by no later than Jan. 1, 2027.

*For more information about these important updates and to see how our labor and employment attorneys can help your business prepare for the new year, please visit [www.hodgsonruss.com](http://www.hodgsonruss.com).*