

# NYC's Enhanced ESSTA Rules for Prenatal Leave Create Policy, Posting + Paystub Requirements for Employers

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## Takeaways

- Changes to NYC's paid prenatal leave requirement take effect 07.02.25.
- They incorporate and enhance NYS prenatal leave protections that went into effect at the beginning of this year.
- NYC employers should understand their obligations and implement the changes to policies, notices, and recordkeeping.

## Related links

- [New York State Paid Prenatal Leave Frequently Asked Questions](#)
- [New York City Paid Safe and Sick Leave Frequently Asked Questions](#)
- [New York City Notice of Employee Rights: Safe and Sick Leave](#)
- [NYS Paid Prenatal Leave: Employers Must Manage a New Entitlement in the New Year](#)

## Article

Consistent with the expanding attention afforded to prenatal health and workplace protections nationally, New York State implemented a new [paid prenatal leave](#) requirement as an amendment to the state sick leave law, which went into effect Jan. 1, 2025. New York City recently amended its [rules related to the Earned Safe and Sick Time Act](#) (ESSTA) to incorporate the state prenatal leave protections and add enhanced requirements.

## NYS Paid Prenatal Leave Rights

Since Jan. 1, 2025, all private-sector employers in New York have been required to provide up to 20 hours of paid prenatal leave in a 52-week period to eligible employees, regardless of company size. The 52-week leave period starts on the first day the prenatal leave is used.

The prenatal leave entitlement is in addition to the statutory sick leave entitlement and other paid time off benefits provided by company policy or applicable law, and it applies only to employees receiving prenatal healthcare services, such as medical exams, fertility treatments, and end-of-pregnancy appointments. Spouses, partners, or support persons are not eligible to use prenatal leave.

Employers cannot force employees to use other leave first or demand medical records or confidential health information to approve prenatal leave requests. (See [NYS Paid Prenatal Leave: Employers Must Manage a New Entitlement in the New Year.](#))



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## Related Services

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## NYC ESSTA Rules Incorporating Prenatal Leave

The New York City Department of Consumer and Worker Protection issued amended rules on May 30, 2025, formally incorporating the state prenatal leave requirement into ESSTA. Changes and obligations related to prenatal leave, which are effective July 2, 2025, include:

### *Policy Requirements*

The obligation to promulgate and distribute a policy related to ESSTA is expanded to require that such policy address paid prenatal leave entitlements. Under the rules, employers must distribute their written safe and sick time and paid prenatal leave policies to employees personally upon hire and within 14 days of the effective date of any policy changes and upon an employee's request.

In essence, all NYC employers have an obligation to modify their current policy and reissue the revised policy to current employees.

### *Employee Notice of Rights, Posting*

The Department also issued an [updated Notice of Employee Rights](#) that includes paid prenatal leave. The updated notice must be provided to new hires and to current employees when rights change (which is the case here), and employers must maintain a record of receipt by the employee. The notice also must be posted.

All NYC employers have an obligation to modify the notice required for new hires and reissue the notice to current employees.

### *Paystub Requirement*

For each pay period in which an employee uses prenatal leave, the following information must be clearly documented on pay stubs or other documentation provided to the employee, such as a pay statement:

- The amount of paid prenatal leave used during the pay period; and
- Total balance of remaining paid prenatal leave available for use in the 52-week period.

Under updated agency FAQs, this information can be provided by an electronic system in certain instances. This requirement is similar to the existing requirement for notice of paid sick and safe time.

NYC employers should understand their obligations and implement these changes to policies, notices, and recordkeeping. If you have any questions related to compliance with these rules or any other policy or notice issue, please contact the Jackson Lewis attorney with whom you regularly work.

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