

14 Section 1. Subdivisions 2, 7 and 10, and paragraph a of subdivision 5
 15 of section 196-b of the labor law, as added by section 1 of part J of
 16 chapter 56 of the laws of 2020, are amended and a new subdivision 4-a is
 17 added to read as follows:

18 2. Nothing in this section shall be construed to prohibit or prevent
 19 an employer from providing an amount of sick leave, paid or unpaid, or
 20 paid prenatal personal leave which is in excess of the requirements set
 21 forth in subdivision one and subdivision four-a of this section, or from
 22 adopting a paid leave policy that provides additional benefits to
 23 employees. An employer may elect to provide its employees with the total
 24 amount of sick leave required to fulfill its obligations pursuant to
 25 subdivision one of this section at the beginning of the calendar year,
 26 provided, however that no employer shall be permitted to reduce or
 27 revoke any such sick leave based on the number of hours actually worked
 28 by an employee during the calendar year if such employer elects pursuant
 29 to this subdivision.

30 4-a. In addition to the sick leave provided for in this section, on
 31 and after January first, two thousand twenty-five, every employer shall
 32 be required to provide to its employees twenty hours of paid prenatal
 33 personal leave during any fifty-two week calendar period. Paid prenatal
 34 personal leave shall mean leave taken for the health care services
 35 received by an employee during their pregnancy or related to such preg-
 36 nancy, including physical examinations, medical procedures, monitoring
 37 and testing, and discussions with a health care provider related to the
 38 pregnancy. Paid prenatal personal leave may be taken in hourly incre-
 39 ments. Benefits for paid prenatal personal leave shall be paid in hourly
 40 installments. Employees shall receive compensation at the employee's
 41 regular rate of pay, or the applicable minimum wage established pursuant
 42 to section six hundred fifty-two of this chapter, whichever is greater,
 43 for the use of paid prenatal personal leave. Nothing in this section
 44 shall be construed to require an employer to pay an employee for unused
 45 paid prenatal leave upon such employee's termination, resignation,
 46 retirement, or other separation from employment.

47 a. An employer may not require the disclosure of confidential informa-
 48 tion relating to a mental or physical illness, injury, or health condi-
 49 tion of such employee or such employee's family member, or information
 50 relating to absence from work due to domestic violence, a sexual

S. 8305--C

42

A. 8805--C

1 offense, stalking, or human trafficking, as a condition of providing
 2 sick leave or paid prenatal personal leave pursuant to this section.

3 7. No employer or ~~his or her~~ their agent, or the officer or agent of
 4 any corporation, partnership, or limited liability company, or any other
 5 person, shall discharge, threaten, penalize, or in any other manner
 6 discriminate or retaliate against any employee because such employee has
 7 exercised ~~his or her~~ their rights afforded under this section, includ-
 8 ing, but not limited to, requesting sick leave or paid prenatal leave
 9 and using sick leave or paid prenatal leave, consistent with the
 10 provisions of section two hundred fifteen of this chapter.

11 10. Upon return to work following any sick leave or paid prenatal
 12 leave taken pursuant to this section, an employee shall be restored by
 13 ~~his or her~~ their employer to the position of employment held by such
 14 employee prior to any sick leave or paid prenatal leave taken pursuant
 15 to this section with the same pay and other terms and conditions of
 16 employment.

17 § 2. This act shall take effect January 1, 2025.