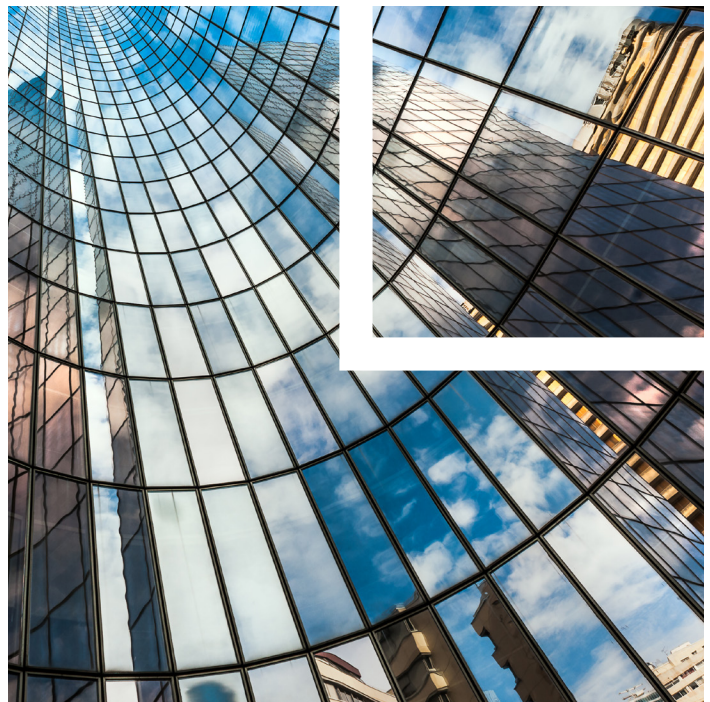


What To Expect When Your Employee Is Expecting: New Requirements in New York and Illinois

In the past two months, both New York City and Illinois have implemented new requirements relating to pregnancy and lactation accommodations. Effective July 2, 2025, New York City amended its Earned Safe and Sick Time Act to require all private-sector employers in New York City to offer paid prenatal leave. Earlier this month, Illinois amended the Nursing Mothers in the Workplace Act, effective Jan. 1, 2026, to tweak existing requirements that employers offer paid break time to employees who need to express breast milk in the workplace. Employers should be mindful of these new requirements and use this as an opportunity to ensure that their pregnancy, leave and accommodation policies and practices are up to date based on the growing state and city protections across the country.

New York

The city's recent amendments to the Earned Safe and Sick Time Act incorporate changes at the state level that went into effect Jan. 1, 2025. Under both state and city law, New York employees must be provided 20 hours of paid leave for prenatal health care during "or related to" pregnancy. This time applies to health care services during pregnancy as well as related appointments for fertility and end-of-pregnancy care. The 20 hours of prenatal leave is in addition to sick time already provided under other laws, must be automatically granted to employees upon hire or at the start of the year (rather than accrued), and applies to all employers regardless of size. Where employees are eligible for both prenatal health leave and sick time, employers cannot require them to use one before the other, and the time used does not run concurrently.



New York City has added other requirements, including that employers implement and distribute detailed policies outlining the prenatal health leave entitlement and request process, post a copy of the updated New York City Earned Safe and Sick Time Act [poster](#), and maintain a record that employees received the notice. New York City employers also must provide employees with an accounting each pay period of the amount of prenatal leave that has been used and the remaining amount available for the year, and employers must separately track and document sick time and prenatal leave time taken.

Additional information about the state and city laws can be found in the respective FAQs published by the [state](#) and the [city](#).

Illinois

Effective Jan. 1, 2026, employers must provide reasonable paid breaks each time an employee needs to express milk in the workplace for one year after the child's birth. Previously, employers could first require employees to use unpaid breaks, such as meal periods, and only additional

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needed breaks were paid. The new law confirms that all lactation breaks must be paid, and an employer cannot “require the employee to use paid leave during the break time or reduce the employee’s compensation during the break time in any other manner.” An employer must provide the paid break time as needed by the employee unless doing so would create an undue hardship. This adds to the existing requirements in Illinois that employees be provided a room or another location, other than a toilet stall, where they can express milk in private.

Employer Takeaways

Employers should be mindful of the growing number of laws across the country that address pregnancy-related matters. More than a dozen states (as well as many municipalities and counties) now provide for paid sick time, which often includes time off for pregnancy-related illness and appointments. Approximately 15 states have enacted laws providing some form of paid leave following the addition of a child to an employee’s household. And lactation accommodation requirements vary by state (and sometimes by municipality), including whether the time is paid or unpaid and what type of space must be provided to an employee.

Employers should take this opportunity to:

- Update existing sick leave, prenatal leave, parental leave and lactation accommodation policies to comply with the recent New York and Illinois changes, as well as other states’ and municipalities’ laws.
- Ensure that they are providing all required notices and posters.
- Contact their payroll provider to confirm that they are deducting required payroll contributions, providing any necessary opt-out forms relating to such deductions where applicable, and providing notice of employees’ used and outstanding sick and prenatal leave balances.

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