

## New York: Nursing Employees' Breastfeeding Rights Expanded

Effective June 7, 2023, breastfeeding employees can use unpaid or paid time to express breast milk each time they need to, and employers must provide them with a designated location to do so. This lactation location must be close to where the employee works, well lit, shielded from view, and free from intrusion by others. It must also have a chair, working surface, access to clean running water, an electrical outlet, and not be a restroom or toilet stall.

The law also:

- Requires refrigeration, if available at the workplace, for storing breast milk.
- Requires notice to employees when the lactation location is ready for their use.
- Provides an undue hardship exception (not exemption) for certain employers.
- Prohibits retaliation or discrimination against employees for exercising their rights.

The New York Labor Commissioner will develop a written policy about the rights of nursing employees to express breast milk in the workplace and employers must provide it upon hire to each employee, annually, and when an employee returns to work after childbirth. The notice will inform employees about their rights, describe how they request a lactation location, and employers are required to respond to the request within five business days.

([NY SB 4844](#) was signed by the governor on December 9, 2022)

# New York Requires Electronic Workplace Posters

New York now requires employers of all sizes to make mandatory workplace posters available to employees electronically, either on their website or by email, in addition to posting physical copies in the workplace. This requirement applies to all workplace postings that are required under state or federal law. Employers must also notify employees that the postings are available electronically.

Lists of required posters are available on the platform.

## Action Items

- Post all mandatory workplace posters on your company intranet or website if you have one. Otherwise, make them available to all employees by email.
- Notify employees that required posters are available electronically.

([NY AB 7595](#) was signed by the governor on December 16, 2022.)

## New York: Pay Transparency Law Enacted

Effective September 18, 2023, employers with four or more employees must disclose the pay range, job description, and (if applicable) that the job is only paid by commission when advertising a job opening, promotion, or transfer. The law includes antiretaliation rights, recordkeeping requirements, and noncompliance penalties.

([NY SB 9427](#) was signed by the governor on December 21, 2022)

## New York: Discrimination Protections Expanded

Effective December 23, 2022, New York's antidiscrimination law expanded to add citizenship and immigration status to the list of characteristics protected from discrimination. Due to this expansion, employers cannot treat people differently because they aren't U.S. citizens. However, the law doesn't prevent employers from verifying citizenship or immigration status—or taking adverse action based on the verification—if its legally required.

([NY AB 6328](#) was signed by the governor on December 23, 2022)

# New York 2023 New Year Update: Paid Family Leave, COVID Vaccination Leave, and Minimum Wages and Salaries: Compliance Reminder

The following changes to New York employment law cover employers of all sizes.

## Paid Family Leave Expanded to Cover Siblings

Beginning on January 1, 2023, eligible employees will be entitled to use Paid Family Leave (PFL) to care for a sibling (whether biological, adopted, step, or half) with a serious health condition in addition to the family members who are currently covered. Additional details are available on the platform.

### Action Item

If your PFL policy defines *family member*, update it to include siblings.

## COVID Vaccination Leave Extended

Employees will still be entitled to take COVID vaccination leave in 2023. This leave entitlement was originally set to expire on December 31, 2022, but was extended for an additional year. Employees can take up to four hours of paid leave per COVID vaccine injection, including boosters. This leave is *in addition* to all other leave the employee is entitled to. Details are available on the platform.

### Action Item

If your COVID vaccination leave policy has an expiration date, update it.

## Minimum Wages and Salaries

Changes to minimum wage and salary thresholds apply as of December 31, 2022. Note that home care aides must be paid \$2 per hour more than the applicable minimum wage. The rates in New York City, Long Island, and Westchester County remain unchanged.

## Upstate New York

The minimum wage in upstate New York (all areas outside of New York City, Long Island, and Westchester County) will increase to \$14.20 per hour. The minimum base wage for tipped hospitality workers will be \$11.85 per hour for service employees and \$9.45 per hour for food service workers.

The minimum salary threshold for exempt executive and administrative employees will increase to \$1,064.25 per week (\$55,341 annually).

## New York: Warehouse Worker Protections Enacted

Effective August 19, 2023, the New York Warehouse Worker Protection Act will:

- Protect warehouse workers from unreasonably demanding work quotas;
- Require distribution centers to disclose work speed data to all employees so they know how they are performing in relation to their assigned work quota; and
- Protect workers from adverse employment actions, like discipline or termination, because they failed to meet undisclosed speed quotes or quotas that don't allow for proper breaks.

Read more about the act on the governor's [website](#).

([NY SB 8922](#) was signed by the governor on December 21, 2022)