

NEW YORK CITY  
DEPARTMENT OF CONSUMER AND WORKER PROTECTION

DCWP RULES HEARING  
PAID PRENATAL PERSONAL LEAVE

VIRTUAL PUBLIC HEARING

REMOTE - VIA TELECONFERENCE

February 14, 2025

INDEX

Karline Jung, DCWP, Hearing Officer	3
Samantha Hunt, A Better Balance	5

1 MS. KARLINE JUNG: Okay, we'll get started.  
2 Good morning. My name is Karline Jung and I've been  
3 designated as the Hearing Officer for the public  
4 hearing of the Department of Consumer and Worker  
5 Protection on the proposed rules to amend rules  
6 related to the earned Safe and Sick Time Act,  
7 incorporating --

8 [OFF MIC CONVERSATION]

9 MS. JUNG: -- sorry, Trinea, could, if you  
10 could just mute your mic -- on the proposed rule to  
11 amend rules related to the Earned Safe and Sick Time  
12 Act by incorporating New York State Labor Law's Paid  
13 Prenatal Personal Leave Requirements into ESTA,  
14 clarifying the penalties and remedies that DCWP may  
15 order for violations of such requirements and  
16 providing additional clarification for employers about  
17 their compliance obligations.

18 This hearing is being held by teleconference  
19 call. It is now 11:03 a.m. on Friday, February 14,  
20 2025, and I am hereby convening the public hearing on  
21 this proposed rule. The proposed rule was published  
22 in The City Record on January 15, 2025. The published  
23 notice and rules are available online, on the New York  
24 City Rules website and the Department's website.

25 The Department has proposed these rules

1           pursuant to the authority vested in the Commissioner  
2           of the Department of Consumer and Worker Protection by  
3           sections 1043 and 2203(f) of the New York City  
4           Charter, and Chapter 8 of Title 20 of the New York  
5           City Administrative Code.

6                       This hearing affords the public the  
7           opportunity to comment on all aspects of the rules the  
8           Department has proposed. The Department will  
9           carefully review all testimony and written comments  
10          received at this hearing and will give due weight and  
11          consideration to proposals and recommendations that  
12          are submitted for the record at this hearing.

13                      To ensure that everyone seeking to testify  
14          today will have an opportunity to do so, I will ask  
15          that we all follow these ground rules. During the  
16          hearing, all participants should give due respect and  
17          consideration to the folks offering their testimony,  
18          so please mute your lines if you are not speaking.

19                      Each witness will have a maximum of three  
20          minutes to provide oral testimony. If your comments  
21          take longer than three minutes, please synthesize your  
22          oral testimony and leave a written copy for the  
23          record. Unlike the limit on the time for oral  
24          testimony, there is no limit on the number of pages  
25          you can submit as written testimony or as documents

1 for the record. The written submission will be made  
2 part of the public record.

3 Now, before we begin, I'll remind folks to  
4 mute their lines until called to provide testimony. I  
5 will now call the first witness. You will have three  
6 minutes for testimony, and you may begin whenever  
7 you're ready. First up, I have Samantha Hunt.

8 MS. SAMANTHA HUNT: Good morning. Thank you  
9 for convening this hearing and for the opportunity to  
10 provide comment on a provision that will fill crucial  
11 gaps in the rights of working New Yorkers.

12 I work at A Better Balance, a national legal  
13 advocacy organization that uses the power of the law  
14 to ensure workers can care for themselves and their  
15 loved ones. I staff our free and confidential legal  
16 help line, where we answer questions from pregnant  
17 workers. Their experiences inform our testimony.

18 First, we call on the Department to affirm  
19 the clear wording of the statute, which allows paid  
20 prenatal leave usage for all healthcare services  
21 received by an employee during their pregnancy or  
22 related to such pregnancy. The clear meaning of this  
23 language includes any healthcare services that are  
24 either received during the pendency of the employee's  
25 pregnancy or that are otherwise related to such

1 pregnancy, including services related to becoming  
2 pregnant.

3 Second, we urge the Department to include  
4 certified nurse midwives for the purposes of  
5 reasonable documentation in proposed section 7206. On  
6 our helpline, we fielded calls from workers who make  
7 good faith attempts to comply with their employers'  
8 demands for medical documentation, only to be told  
9 that their documentation is insufficient. And this  
10 puts them at heightened risk for losing access to time  
11 off to access prenatal care from their preferred  
12 provider.

13 Next, we urge the Department to ensure that  
14 all workers have notice of their accrued paid prenatal  
15 leave time banks. We've already seen an uptick in  
16 calls from workers with questions about their rights  
17 to paid prenatal leave. The language, as written,  
18 risks undermining workers' awareness of their right to  
19 paid prenatal leave. If employers are not required to  
20 disclose the availability on employees' pay statements  
21 until they have already used this leave, there is a  
22 significant risk that it will cause a gap in clarity  
23 and will inevitably leave some workers who are  
24 considering fertility treatments or are in the early  
25 stages of pregnancy to miss out on a benefit intended

1 for them.

2 We also urge the Department to adopt  
3 language to avoid penalizing workers for utilizing  
4 paid prenatal leave. Employers must adjust their  
5 ordinary workplace policies and practices to ensure  
6 that these policies do not operate to penalize  
7 employees for utilizing paid prenatal leave. Absent  
8 this explicit requirement, workers could face  
9 retaliation for simply exercising their rights. We've  
10 routinely heard from workers who are disciplined for  
11 not meeting productivity quotas for exercising their  
12 rights under paid sick leave. By granting workers a  
13 right to paid time off, but not requiring employers to  
14 adjust their expectations of a worker, the resulting  
15 impact is that workers will not utilize their rights.

16 Finally, we applaud the Department for  
17 clarifying that employers may not satisfy their  
18 requirements to provide paid prenatal leave to workers  
19 through existing sick leave or time off policies. We  
20 agree with the Department's interpretation of New York  
21 Labor Law section 196(b)(8), as the statutory text is  
22 clear that employers may not use existing time off  
23 banks to satisfy their obligations to provide paid  
24 prenatal leave to their employees. These changes will  
25 ensure that workers are fully protected and can access

1           their paid prenatal leave. And with these  
2           recommendations, we have no further reservations to  
3           the proposed rule. Thank you for your consideration.

4           MS. JUNG: Alright, thank you. That's all  
5           we have for people signed up for testimony. If anyone  
6           else is looking to testify today, please feel free to  
7           unmute your line to let me know, or you can let me  
8           know in the chat, as well. Okay. Seeing no one else  
9           present to offer testimony, I will go off camera and  
10          adjourn the hearing until an individual appears to  
11          offer testimony or until 12:00 p.m., whichever comes  
12          first. Thank you.

13                           [OFF THE RECORD] [00:07:20]

14                           [ON THE RECORD] [00:11:02]

15          MS. JUNG: Those who have just joined, if  
16          you would like to provide a testimony, please let me  
17          know. Okay. If not, I will go off camera and adjourn  
18          the hearing until an individual appears to offer  
19          testimony or until 12:00 p.m. Thank you.

20                           [OFF THE RECORD] [00:11:26]

21                           [ON THE RECORD] [00:58:03]

22          MS. JUNG: Okay. Seeing that it is now  
23          12:00 p.m., I will adjourn the hearing. Thank you,  
24          everyone, for participating.

25                           ...



CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of DCWP Rules Hearing - Paid Prenatal Personal Leave on February 14, 2025, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: March 14, 2025

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