

New York State Passes Bill Granting Employees Paid Time Off for COVID-19 Vaccinations

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The New York state legislature passed [Bill S2588A/A3354B](#), which would amend the New York Labor Law to grant employees paid leave time for the COVID-19 vaccination. Below is a brief summary of what New York employers need to know about the legislation which, if signed by Governor Cuomo, would take effect immediately.

Under the proposed bill, employers would be required to provide employees with “a sufficient period of time, not to exceed four hours” per vaccine dose, to be vaccinated for COVID-19. This time must be paid at the employee’s regular rate of pay for the entire leave period. The bill would also prohibit employers from discriminating or retaliating against employees who request or take a leave of absence to be vaccinated for COVID-19, or who otherwise exercise their rights under this law.

Currently, the FDA has authorized the use of three vaccines: the Pfizer Inc. and Moderna Inc. vaccines, which each require two doses, and the Johnson & Johnson vaccine, which requires only one dose. This means that employees who receive the Pfizer or Moderna vaccine would be eligible for up to eight hours of paid leave to receive both injections.

Employers should be aware, however, that an employee may be entitled to more time off under the proposed bill if a collective bargaining agreement or other authorization by the employer would grant them more hours of paid leave to receive the vaccine.

Notably, the provisions of the bill may only be waived by a collective bargaining agreement that *explicitly* references the new provision of the New York labor law. The bill further provides that any leave time taken to receive the COVID-19 vaccine may not be charged against any other leave that the employee is entitled to take (including, e.g., paid sick leave under the New York State or New York City sick leave laws).

As noted above, if signed by Governor Cuomo, the bill will take effect immediately and would expire on December 31, 2022. Given Governor Cuomo's comprehensive plan to vaccinate all New Yorkers quickly and safely, as well as his support for a similar paid leave plan in his 2021 State of the State Agenda, New York employers should review their policies on paid leave, especially as it relates to COVID-19, and be prepared to make necessary revisions to comply with the law. We will continue to report on any further developments with regard to this law and other similar leave laws nationwide.

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