

New York Employees Now Entitled to Paid Leave for COVID-19 Vaccination

New law provides up to four hours of paid leave for vaccination: [On March 12, 2021](#), New York Governor Andrew Cuomo signed legislation entitling New York employees to up to four hours of paid leave to receive COVID-19 vaccinations, effective immediately.

Under New York Labor Law [Section 196-c](#), private employers are now required to provide “a sufficient period of time, not to exceed four hours per vaccine injection” for employees to receive COVID-19 vaccinations, unless the employer or any applicable collective bargaining agreement provides for more paid leave.¹ Employees receive their regular rate of compensation for vaccination leave, and that leave cannot be deducted from any sick leave the employee is otherwise entitled to receive (including, as we have covered in previous alerts, New York’s COVID-19 [sick leave provisions](#) and New York’s recently enacted [statewide sick leave law](#)). While the new vaccination leave law appears to apply uniformly across all private employers, it does provide that the paid leave entitlement can be waived under a collective bargaining agreement.

Anti-retaliation provision: Although the new law does not specify any penalties for noncompliant employers, employers are prohibited from discharging, threatening, penalizing, or otherwise discriminating or retaliating against any employee that seeks paid leave for vaccination.

Implications for employers: Effective immediately, all New York private employers are now required to give employees up to four hours of paid leave “per vaccination injection” until December 31, 2022. Given that certain COVID-19 vaccines require two rounds of vaccination, employees may now be entitled to up to eight total hours of paid leave for a complete course of inoculation. Beyond this requirement, however, the new law gives no further guidance to employers, including whether employers can require proof of vaccination or advance notice for employees requesting leave or whether the paid leave guarantee has any effect on employees who have already been vaccinated for COVID-19.

We will continue to closely monitor future developments affecting employer leave policies related to COVID-19.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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¹ The corresponding law for public employees is codified as Section 159-c of the New York Civil Service Law.