



EMPLOYMENT LAW ALERT

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EMPLOYEES ARE ENTITLED TO PAID LEAVE UNDER NY LAW TO RECEIVE COVID-19 VACCINE

In an effort to encourage New Yorkers to get vaccinated against COVID-19, New York has amended the NY Labor Law to provide employees with paid leave to receive the COVID-19 vaccine. This new law applies to all private employers, regardless of size.

Specifically, Section 196-c of the New York Labor Law requires that private employers provide a “sufficient period of time,” up to four hours of paid leave, for employees to receive a COVID-19 vaccine. Employees will be eligible for this leave *per injection*. This means if an employee receives a vaccine that requires a second dose, the employee may be entitled to up to eight hours of paid time off under this new law. Employees must be paid at their regular rate of pay for this leave time. Additionally, any paid time off taken to receive a COVID-19 vaccine *cannot* be charged to any other leave to which the employee is entitled, including New York’s recently enacted sick leave law. There are also additional rules and regulations for union employers. This new law became effective immediately upon signature by Governor Cuomo on March 12, 2021, and will remain in effect until December 31, 2022.

While we anticipate additional information and guidance will be provided by the New York Department of Labor, employers must now prepare to provide employees with paid time off to receive their COVID-19 vaccine. Also, employers should be aware that for those that have voluntarily elected to continue providing benefits to employees under the Families First Coronavirus Response Act, employees may also be entitled to paid leave to receive the vaccine and for time missed due to side effects experienced following vaccination.

We will continue to closely monitor and provide our clients with information concerning changes in state, federal and local laws concerning COVID 19. We encourage anyone with questions on these issues to reach out to us to discuss how to best handle these issues in your workplace.

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