

New York State Employees Entitled to Paid Time Off for COVID-19 Vaccinations

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Effective immediately, New York State employers must provide employees with up to four hours of paid time off per COVID-19 vaccination. The new law sunsets on December 31, 2022.

The new law provides that:

1. All New York employees must receive a paid leave of absence for “a sufficient period of time” not to exceed four hours per vaccine injection. In other words, employees may be entitled to up to eight hours of paid time off if receiving a two-injection COVID-19 vaccine;
2. This leave must be paid at the employee’s regular rate of pay; and
3. Employers cannot require employees to use other available leave (such as sick leave or vacation time) before providing this leave.

The new law applies to both public and private employers, with potential carveouts for employees subject to a collective bargaining agreement.

In addition to the paid time off requirement, the new law prohibits discrimination or retaliation against any employee who exercises their rights under the law.

The new law is silent as to any retroactive effect, if any. It is also silent as to the types of documentation employers can request from employees seeking this leave.

While some employers already voluntarily provide paid time off to employees for COVID-19 vaccination, New York employers should:

1. As a best practice, ensure policies are updated to reflect this additional leave entitlement, although the law does not have a policy or specific recordkeeping requirement;
2. Confirm that no one is required to use available time off under company policy before using this leave;
3. Communicate this paid time off entitlement to employees;
4. Decide whether to request proof of vaccination, keeping in mind confidentiality and privacy issues; and
5. Ensure managers are aware of this leave right and the relevant non-discrimination and retaliation provisions.

As similar time-off-to-vaccinate legislation are pending in many jurisdictions, employers are encouraged to reach out to the Jackson Lewis attorney with whom they work for additional information.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

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If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).



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