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## New York Passes Paid COVID-19 Vaccine Leave

By Alexander W. Bogdan

Employees in New York state will soon be entitled to paid leave to receive the COVID-19 vaccine. A [new bill](#) recently passed by the state legislature entitles employees to up to four hours of paid leave per injection. The bill will become effective immediately upon signature by Gov. Cuomo and will expire on December 31, 2022.

This new paid leave requirement would require all New York employers to provide a “paid leave of absence” to their employees of a “sufficient period of time, not to exceed four hours per injection” to receive the COVID-19 vaccine. The law does not place a cap on the number of times an employee may take paid leave for a COVID-19 vaccine injection before the law expires. For approved vaccines that require two injections to be fully effective, employees will be entitled to two separate four-hour paid leaves of absence under the law. If the federal Food and Drug Administration, Centers for Disease Control or other government agencies recommend that individuals receive a second dose of the COVID-19 vaccine or a booster shot before the law expires, employees would presumably also be entitled to receive paid time off to receive the second dose or booster shot.

Employers must provide this COVID-19 vaccine paid leave in addition to any other leave to which the employee would otherwise be entitled, such as safe or sick leave under the New York State Paid Sick Leave Law and/or the New York City Earned Safe and Sick Time Act. Employees must be paid their customary rate of pay for any leave taken under the law.

Hospitality employers that take a tip credit must pay tipped employees at the full minimum wage for time taken to get the COVID-19 vaccine. The law also prohibits employers from discriminating against or retaliating against any employees who take or request COVID-19 vaccine leave, or otherwise exercise their rights under the law.

Employers should take steps now to ensure they are ready to comply with the law once it is signed. Employers should update paid leave policies to include these new COVID-19 vaccine leave requirements and ensure that their managers are trained on how to handle employees' requests for time off to get vaccinated.

*For more information about this alert, please contact Alexander W. Bogdan at 212.878.7941 or [abogdan@foxrothschild.com](mailto:abogdan@foxrothschild.com), or any member of Fox Rothschild's national Labor & Employment Department.*