

## **Alert** | Labor & Employment



March 2021

### **COVID-19 Vaccination: Paid Leave Enacted in New York**

New York employees may now elect paid leave for time spent receiving the COVID-19 vaccination. Specifically, Governor Andrew Cuomo signed [Assembly Bill A3354B](#), on March 12, 2021, which provides up to four hours of paid leave for COVID-19 employee vaccinations. Importantly, the law applies to all employers regardless of sector or size and provides employee leave for each applicable dose of the COVID-19 vaccine. Therefore, for two-dose vaccines, employees would be eligible for up to eight hours of paid leave.

Furthermore, employees electing to use such COVID-19 vaccination leave shall be paid “at the employee’s regular rate of pay and shall not be charged against any other leave such employee is otherwise entitled to, including sick leave ... or any leave provided pursuant to a collective bargaining agreement.” That said, a collective bargaining agreement may waive these requirements provided such waiver is express and specifically references the relevant section of the law.

Additionally, the express terms of the law prohibit employer discrimination and/or retaliation against any employee electing to use such vaccination leave. As such, employers are well-advised to consult employment counsel pertaining to preparing and implementing relevant COVID-19 vaccination policies.

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