

> Client Alert

New York State Enacts COVID-19 Vaccination Leave Law

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If you require any additional information regarding paid leave entitlements or any other employment issue, please contact any of the attorneys listed below.

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On March 12, 2021, New York Governor Andrew Cuomo signed into law a [bill](#) providing employees up to four (4) hours of paid leave for each COVID-19 vaccine injection they receive. The law amends Article 6 of the New York Labor Law by adding a new section, 196-c, which mandates that employers provide such paid leave beginning March 13, 2021 through December 31, 2022.

While the text of the amendment is relatively brief, it is clear that it applies to all private employers regardless of size. The law further states that paid vaccination leave must be offered to “[e]very employee,” implying that the law applies to both full and part-time employees and regardless of an employee’s state of residency. Especially important in today’s remote working environment, those employees who do not physically live or work in New York State, but work for a New York employer, are entitled to paid vaccination leave under the law.

Employers must provide this new paid vaccination leave in addition to any other leave required by law. Moreover, employees that take such leave must be compensated at their regular rate of pay. The law also does not affect an employee’s right to receive a greater number of hours of paid vaccination leave pursuant to a collective bargaining agreement or more generous employer policy. In other words, an employer which has already put in place a paid leave program for its employees which grants in excess of four hours’ pay for COVID-19 vaccination purposes is now precluded from reducing the amount of such leave because of this new law.

Like all other forms of paid leave required by law, employers are prohibited from discriminating or retaliating against any employee for exercising his or her rights under this new law. This includes, but is not limited to, discrimination or retaliation for requesting or obtaining a leave of absence to be vaccinated for COVID-19, as well as any activities related to ensuring proper compensation in connection with such requested leave.

The Morrison Cohen LLP Labor & Employment Team is available to provide legal advice concerning paid vaccination leave entitlements or any other form of paid leave or such other employment law questions that should arise from time to time and as needed.