

Alert

Time Off for COVID-19 Vaccinations

March 29, 2021

On March 12, 2021, Governor Cuomo [signed a new law](#) that grants employees paid leave for time needed to receive the COVID-19 vaccination (“COVID-19 Vaccination Leave Law”). On March 21, 2021, the New York State Department of Labor [released guidance](#) on the COVID-19 Vaccination Leave Law (“NYDOL Guidance”).

The COVID-19 Vaccination Leave Law took effect immediately and will remain in effect through Dec. 31, 2022. The COVID-19 Vaccination Leave Law does not have retroactive effect for employees that took time off to be vaccinated against COVID-19 prior to the effective date.

Pursuant to the COVID-19 Vaccination Leave Law, employees are eligible for paid leave for a “sufficient period of time” to receive a COVID-19 vaccination, provided the period does not exceed four hours per injection.

Employers may not count paid leave taken under the COVID-19 Vaccination Leave Law against any other source of paid leave, including sick leave, and must pay employees their regular rate of compensation. Paid leave under the COVID-19 Vaccination Leave Law is only available to employees for receipt of their *own* COVID-19 vaccination and may not be used to assist a family member or other person in getting a COVID-19 vaccination.

According to the NYDOL Guidance, employers are not prohibited from requiring employees to give notice before taking paid leave off under the COVID-19 Vaccination Leave Law. The NYDOL Guidance also provides that employers may require proof of vaccination. However, employers should be mindful of guidance set forth by the U.S. Equal Employment Opportunity regarding the interplay between these kinds of inquiries and the Americans with Disabilities Act. Simply requiring an employee to show proof of receipt of a COVID-19 vaccination is permissible, but asking subsequent questions, such as *why* the employee did not receive the COVID-19 vaccination, is generally inadvisable. See [COVID-19 Updates](#).

Please contact your SRZ attorney if you have specific questions about how the COVID-19 Vaccination Leave Law or the NYDOL Guidance impacts your organization.

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