Engage PEO Client Alert:

New York Employees Will Be Granted Up to Four Hours of Excused Leave Per Vaccine Injection

On March 12, 2021, Gov. Andrew Cuomo signed (S.2588-A/A.3354-B) into **law requiring New York State employers to provide employees with up to four hours of paid time off per COVID-19 vaccination effective immediately.** The new leave law ends on December 31, 2022.

The law provides that employees are to receive a paid leave of absence for a "sufficient period of time, not to exceed four hours per vaccine injection." This leave must be paid at the employee's regular rate of pay, and employers cannot require employees to use other available leave before providing this leave or charged the time against any other leave an employee has earned or accrued.

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. There is no requirement that employees must provide proof of vaccination.

While some employers are already voluntarily providing paid time off to employees for COVID-19 vaccination, employers should take the following steps:

- Communicate this paid time off entitlement to employees;
- Ensure policies and practices are updated to reflect this additional leave entitlement;
- Plan on whether to request proof of vaccination, keeping in mind privacy and confidentiality of employees; and
- Make managers aware of this leave right and the relevant non-discrimination and retaliation provisions.

It is important to note that **beginning April 1, 2021, the paid time off provided by the employer under this new law may be reimbursable to employers through payroll tax credits under the FFCRA** as we explained in our latest client alert dated March 18, 2021 detailing the new changes to the FFCRA. Nevertheless, **employers should not restrict employees from utilizing leave** to receive a vaccine before that date to obtain reimbursement as the New York rule is not voluntary.

Please contact your Engage HR Consultant or your Account Manager if you have questions regarding New York's new law requiring vaccination injection leave or the FFCRA.