

## **New York State Passes COVID-19 Vaccination Leave Law**

Written by Christopher Feudo, Robert Haney, Jr., Christian Garcia

March 17, 2021

On March 12, 2021, New York State Governor Andrew Cuomo signed into law legislation granting public and private employees paid time off to receive the COVID-19 vaccination. The new law immediately requires all New York State employers to provide their employees with up to four hours of paid leave per COVID-19 vaccination. In addition to the paid time off mandate, the new law prohibits New York State employers from discriminating or retaliating against employees who choose to exercise this new leave.

The new legislation is silent as to whether the law has any retroactive effect, and it does not specify the types of documentation employers can request from employees seeking to utilize this leave. In addition, while the new legislation will remain in place until December 31, 2022, it does not discuss the possibility of future vaccinations, booster shots, or re-vaccination.

In response to this new law, New York State employers should amend their leave policies to reflect the additional leave entitlement, and communicate to their New York-based employees the existence of this paid leave entitlement and confirm that no employee is required to use other available paid time off before using this new leave. However, employers should consult with their attorneys before requesting proof of vaccination from employees to discuss applicable confidentiality and privacy issues.

### RELATED PRACTICES

- [COVID-19 Task Force](#)
- [Labor & Employment](#)

---

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.