



LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

ATTORNEYS

Jonathan D. Farrell,
Co-Chair
Larry R. Martinez,
Co-Chair

Christopher T. Borruso
Daniel F. Carrascal
Andrew J. DiCioccio
Loretta M. Gastwirth
Ana Getiashvili
Carmelo Grimaldi
Christopher P. Hampton
Stephen Hernandez
Richard M. Howard
Michael H. Masri
Nicholas P. Melito
Asish A. Nelluely
Peter A. Schneider
Gerald C. Waters, Jr.

Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Avenue
Mineola, NY 11501

P:516.747.0300
www.meltzerlippe.com

New York Passes Paid COVID-19 Vaccine Leave Law

On March 12, 2021, Governor Cuomo signed legislation which amends the New York Labor Law (“NYLL”) to grant employees paid leave time for COVID-19 vaccination.

- The law went into effect immediately and expires on December 31, 2022.
- Employers are required to provide employees with “a sufficient period of time, not to exceed four hours of paid leave” per vaccine dose.
- Currently, the FDA has authorized the use of three vaccines; the Pfizer Inc. and Moderna Inc. vaccines, which each require two doses, and the Johnson & Johnson vaccine, which requires only one dose.
- The time must be paid at the employee’s regular rate of pay.
- The law prohibits employers from discriminating or retaliating against employees who request or take a leave of absence to be vaccinated for COVID-19.
- An employee may be entitled to more time off if a collective bargaining agreement (“CBA”) or other authorization by the employer would grant them more hours of paid leave to receive the vaccine.
- The provisions of the law may only be waived by a CBA that explicitly references the new provision of the NYLL.
- The law provides that any leave time taken to receive the COVID-19 vaccine may not be charged against any other leave that the employee is entitled to take (including, e.g., paid sick leave under the New York State or New York City sick leave laws).

New York employers should review their policies on paid leave and be prepared to make necessary revisions to comply with the law. Meltzer Lippe is well-versed in the legislative developments pertaining to leaves of absence and reasonable accommodations, especially as they pertain to COVID-19. Employers with questions relative to the foregoing are encouraged to contact Jonathan D. Farrell and Larry R. Martinez, co-chairs of the Labor and Employment group at Meltzer, Lippe, Goldstein & Breitstone, LLP. jfarrell@meltzerlippe.com lmartinez@meltzerlippe.com.