

GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

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21-15

TO: ALL MEMBER FACILITIES

FROM: ROBIN C. ROSEN, ESQ.

DATE: MARCH 29, 2021

RE: FAQs – NYS PAID LEAVE FOR COVID-19 VACCINATIONS

Please be advised that the Department of Labor has issued FAQs on the recently passed NYS law on providing paid leave to employees to receive COVID-19 vaccinations. The law took effect on March 12, 2021. Please find a copy of these FAQ's [HERE](#).

As we notified you in Memo 21-13, under this law every employee shall be provided a paid leave of absence for a sufficient period of time, not to exceed four (4) hours per vaccine injection. Therefore, if the vaccine requires two (2) injections, then the employee would be entitled to two (2) periods of paid leave of up to four (4) hours each.

The FAQs make clear this leave is solely for the employee's own vaccine, and not to assist another in getting a vaccine. According to the FAQs, the law does not prevent an employer from requiring notice from the employee of the need to take the leave. The FAQs also state that the law does not prevent an employer from requiring proof of vaccination, but employers are encouraged to consider any confidentiality requirements applicable to such records prior to requesting proof of vaccination. Additionally, the law provides paid leave only to employees receiving vaccinations on or after March 12, 2021; however there is nothing in the law that prevents employers from voluntarily providing employees such benefits retroactively.

Thank you