



New York Adopts Paid Leave for COVID-19 Vaccines

Public-facing government employees are now eligible for the COVID-19 vaccine. In addition to town employees who interact with the public, other town employees may also be eligible to receive the vaccine because they fall within Phases 1a and 1b. Information about vaccine eligibility is posted on the New York State Department of Health [website](#).

Public employers – including towns – as of March 12, 2021, are now statutorily required to provide employees with up to four hours of paid leave at their regular rate of pay for each COVID-19 vaccine injection received ([Chap. 77; Civil Service Law, 159-c](#)). This law expires on December 31, 2022. This paid COVID-19 vaccination leave is **in addition** to an individual's accrued leave or other paid time off. The law also prohibits employers from discriminating or retaliating against an employee who uses COVID-19 vaccine leave. A public employer may provide additional paid leave for employees to get vaccinated, and an employee union may bargain for more paid COVID-19 vaccination leave. The law does not address whether an employee is required to provide proof of vaccination, and to date, the state has not posted any guidance. However, the Equal Employment Opportunity Commission (EEOC) has [opined](#) that asking an employee to show proof of vaccination is not a disability-related inquiry. The Association of Towns recommends that towns consult with their town attorneys to determine if any documentation is necessary to use the vaccine-related leave.