

STATE OF NEW YORK

3354--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FALL, ABBATE, SILLITTI, SIMON, THIELE, RAJKUMAR
-- read once and referred to the Committee on Governmental Employees
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee

AN ACT to amend the civil service law and the labor law, in relation to
leave time for COVID-19 vaccination; and providing for the repeal of
such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new section
2 159-c to read as follows:

3 § 159-c. Leave time for COVID-19 vaccination. 1. Every public officer,
4 employee of this state, employee of any county, employee of any communi-
5 ty college, employee of any public authority, employee of any public
6 benefit corporation, employee of any board of cooperative educational
7 services (BOCES), employee of any vocational education and extension
8 board, or a school district enumerated in section one of chapter five
9 hundred sixty-six of the laws of nineteen hundred sixty-seven, employee
10 of any municipality, employee of any school district or any employee of
11 a participating employer in the New York state and local employees'
12 retirement system or any employee of a participating employer in the New
13 York state teachers' retirement system shall be entitled to absent
14 himself or herself and shall be deemed to have a paid leave of absence
15 from his or her duties or service for a sufficient period of time, not
16 to exceed four hours per vaccine injection, unless such officer or
17 employee shall receive a greater number of hours pursuant to a collec-
18 tively bargained agreement or as otherwise authorized by the employer,
19 to be vaccinated for COVID-19.

20 2. The entire period of the leave of absence granted pursuant to this
21 section shall be excused leave and shall not be charged against any
22 other leave such public officer or employee is otherwise entitled to.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 3. Nothing in this section shall be deemed to impede, infringe, dimin-
2 ish or impair the rights of a public employee or employer under any law,
3 rule, regulation or collectively negotiated agreement, or the rights and
4 benefits which accrue to employees through collective bargaining agree-
5 ments, or otherwise diminish the integrity of the existing collective
6 bargaining agreement.

7 § 2. The labor law is amended by adding a new section 196-c to read as
8 follows:

9 § 196-c. Leave time for COVID-19 vaccination. 1. Every employee shall
10 be provided a paid leave of absence from his or her employer for a
11 sufficient period of time, not to exceed four hours per vaccine
12 injection, unless such employee shall receive a greater number of hours
13 pursuant to a collectively bargained agreement or as otherwise author-
14 ized by the employer, to be vaccinated for COVID-19.

15 2. The entire period of the leave of absence granted pursuant to this
16 section shall be provided at the employee's regular rate of pay and
17 shall not be charged against any other leave such employee is otherwise
18 entitled to, including sick leave pursuant to section one hundred nine-
19 ty-six-b of this article.

20 3. Nothing in this section shall be deemed to impede, infringe, dimin-
21 ish or impair the rights of an employee or employer under any law, rule,
22 regulation or collectively negotiated agreement, or the rights and bene-
23 fits which accrue to employees through collective bargaining agreements,
24 or otherwise diminish the integrity of the existing collective bargain-
25 ing agreement.

26 § 3. No employer or his or her agent, or the officer or agent of any
27 corporation, partnership, or limited liability company, or any other
28 person, shall discharge, threaten, penalize, or in any other manner
29 discriminate or retaliate against any employee because such employee has
30 exercised his or her rights afforded under this act, including, but not
31 limited to, requesting or obtaining a leave of absence to be vaccinated
32 for COVID-19.

33 § 4. This act shall take effect immediately and shall expire and be
34 deemed repealed December 31, 2022.