

STATE OF NEW YORK

3354--B

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 -- again reported from said committee
with amendments, 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 Assembly, 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.

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

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

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

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

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

18 2. The entire period of the leave of absence granted pursuant to this
19 section shall be provided at the employee's regular rate of pay and
20 shall not be charged against any other leave such employee is otherwise
21 entitled to, including sick leave pursuant to section one hundred nine-
22 ty-six-b of this article, or any leave provided pursuant to a collective
23 bargaining agreement.

24 3. The provisions of this section may be waived by a collective
25 bargaining agreement, provided that for such waiver to be valid, it
26 shall explicitly reference this section of law.

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

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