

# STATE OF NEW YORK

2588--A

2021-2022 Regular Sessions

## IN SENATE

January 22, 2021

Introduced by Sens. GOUNARDES, BROUK, HINCHEY, REICHLIN-MELNICK, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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