

STATE OF NEW YORK

4597

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to authorizing employees time to receive the COVID-19 vaccine

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

1 Section 1. The labor law is amended by adding a new section 202-n to
2 read as follows:

3 § 202-n. Time allowed employees to receive the COVID-19 vaccine. 1. If
4 an individual does not have sufficient time outside of his or her sched-
5 uled working hours to receive the COVID-19 vaccine, he or she may, with-
6 out loss of pay for up to two hours, take off so much working time as
7 will enable him or her to receive such vaccine. Such time off must be
8 taken at either the beginning or end of his or her working shift, as the
9 employer may designate, unless otherwise mutually agreed.

10 2. If the employee requires working time off to receive the COVID-19
11 vaccine, the employee shall notify his or her employer not more than ten
12 nor less than four working days before the day of the desired vaccina-
13 tion that he or she requires time off in accordance with the provisions
14 of this section.

15 3. Every employer shall post conspicuously in the place of work where
16 it can be seen as employees come or go to their place of work, a notice
17 setting forth the provisions of this section. Such notice shall be kept
18 posted until a date determined by the commissioner of health.

19 4. Upon receipt of the COVID-19 vaccine pursuant to the provisions of
20 this section, the employee shall provide his or her employer with
21 adequate verification that such employee was administered such vaccina-
22 tion on such day as requested pursuant to subdivision two of this
23 section. Adequate verification is to be determined by the commissioner
24 of health and shall be provided by the employee to his or her employer
25 not more than ten days after the vaccination.

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

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1 5. If an employee shall fail to fulfill his or her obligations pursu-
2 ant to subdivision four of this section, it shall be presumed that he or
3 she did not receive such COVID-19 vaccine within the agreed-upon working
4 hours pursuant to subdivision one of this section, and such employee
5 shall no longer be entitled to paid time off pursuant to this section.

6 § 2. This act shall take effect on the thirtieth day after it shall
7 have become a law. Effective immediately, the addition, amendment and/or
8 repeal of any rule or regulation necessary for the implementation of
9 this act on its effective date are authorized to be made and completed
10 on or before such effective date.