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:

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

§ 202-n. Time allowed employees to receive the COVID-19 vaccine. 1. If an individual does not have sufficient time outside of his or her scheduled working hours to receive the COVID-19 vaccine, he or she may, without loss of pay for up to two hours, take off so much working time as will enable him or her to receive such vaccine. Such time off must be taken at either the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.

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

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

4. Upon receipt of the COVID-19 vaccine pursuant to the provisions of this section, the employee shall provide his or her employer with adequate verification that such employee was administered such vaccination on such day as requested pursuant to subdivision two of this section. Adequate verification is to be determined by the commissioner of health and shall be provided by the employee to his or her employer 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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5. If an employee shall fail to fulfill his or her obligations pursuant to subdivision four of this section, it shall be presumed that he or she did not receive such COVID-19 vaccine within the agreed-upon working hours pursuant to subdivision one of this section, and such employee shall no longer be entitled to paid time off pursuant to this section.

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