

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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COVID-19 Legal Check-Up: Where Are We Now?

With the onset of the COVID-19 XBB.1.5 variant, more employees are in need of time off from work this winter to recover from unfortunate illness. Below is a quick update for employers on the current state of COVID-19 paid leave laws available to employees:

NYS COVID Paid Leave: Still in Effect. Enacted in March 2020, NY COVID Paid Leave is codified into law, with no expiration date. Accordingly, employees are still entitled to up to three paid leaves if subject to a mandatory or precautionary order of isolation or quarantine issued by the NYS Department of Health (or any governmental entity similarly authorized). Length of leave depends on the employer's size and income and for second and third leaves, a positive test must be accompanied by documentation from a licensed medical provider or testing facility. An employee would be paid at their regular rate of pay and other available paid leave may not be charged against this leave. However, if an employee is well enough to work from home, they would not be eligible for this leave. Notably, New York Paid COVID leave works in concert with CDC guidelines, as New York State adopted these (see our recent blog post [here](#), internally linking to the CDC guidance [here](#)). Accordingly, someone who does not need to isolate under the latest CDC guidance is not entitled to this leave. More info is available in the state's [FAQ](#).

NYS Paid Family Leave for a Minor Dependent Child Due to COVID-19 Quarantine/Isolation: Still Available. [Attestation form](#) must be completed.

NYS COVID Vaccination Time: Still in Effect. Under NYS Labor Law § 196-c, employees are entitled to up to four hours of paid leave per COVID vaccination injection (unless entitled to more under a collective bargaining agreement), boosters included. This leave was extended until Dec. 31, 2023.

NYS Paid Sick Leave for Recovery from Vaccine Side Effects: Still Available. Whether leave is paid or unpaid will depend on employer size and income. More information is available [here](#).

NYC Child COVID Vaccination Time: Expired. New York City previously offered four hours of paid vaccination leave per injection per child. However, this law contained a sunset provision, expiring Dec. 31, 2022, and the New York City Council did not enact any legislation extending this into 2023.

If you have any questions, please contact [Adam Mastroleo](#), [Lisa Feldman](#), any attorney in Bond's [labor and employment practice](#) or the attorney at the firm with whom you are regularly in contact.



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