

LABOR AND EMPLOYMENT LAW INFORMATION MEMO

MAY 28, 2021

New York Clarifies that Employees Can Utilize Existing Paid Sick Leave if They Experience Side Effects from the COVID-19 Vaccine

At his press briefing on Thursday, May 27, Governor Andrew Cuomo announced that employers will be required to provide paid sick leave to any employee who experiences side effects from the COVID-19 vaccination. Today, the New York State Department of Labor (DOL) issued [guidance](#) concerning such leave.

Rather than announcing new vaccination leave, the DOL guidance simply clarifies that employees are entitled to utilize their existing paid sick leave if they experience side effects related to the COVID-19 vaccine, through the paid sick leave legislation signed by Governor Cuomo in April of 2020. Specifically, the guidance references section 196-b of the labor law, which allows employees to use sick leave “for mental or physical illness, injury or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave.” Through this guidance, the DOL is clarifying that the side effects from receiving a COVID-19 vaccine are included under this description of leave use. Further, the guidance states that the four-hour vaccination leave, which is provided for in New York’s vaccination leave law, is still in effect.

Importantly, the Governor **did not** announce a new leave entitlement for those who exhibit symptoms following a COVID vaccine. Rather, this guidance clarifies that employees can utilize paid sick leave if they experience symptoms.

If you have any questions about the information presented in this memo, please contact [Shannon Knapp](#), [Adam Mastroleo](#) or any [attorney](#) in Bond’s [Labor and Employment](#) practice with whom you are regularly in contact.



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