

NEW YORK

New York Workers May Use Sick Leave for Vaccine Recovery

The New York State Department of Labor (NYDOL) has issued [guidance](#) clarifying that leave under the state's [paid sick leave law](#) may be used by workers to recover from side effects of the COVID-19 vaccination.

New York Leave Law

The state's paid sick leave law requires employers with **five or more employees** or a net income of more than **\$1 million** to provide paid sick leave to employees. Employers with fewer than five employees and a net income of \$1 million or less must provide employees with unpaid sick leave. Required leave amounts range between 40 and 56 hours, depending on the employer's size.

New York has also passed separate laws requiring:

- [Paid sick time](#) for employees subject to a COVID-19 quarantine or isolation order; and
- [Paid employee leave](#) for COVID-19 vaccination.

Department of Labor Guidance

The guidance document, issued by the NYDOL on May 27, 2021, states that recent studies have found that workers are avoiding the COVID-19 vaccine due to a fear of missing a day of work.

Noting that the state's paid sick leave law 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—the NYDOL concluded that “employers are obligated to honor the employee's desire to use accrued sick leave for the recovery of any side effects of the COVID-19 vaccination.”

Important Dates

Sept. 30, 2020

New York state paid sick leave law took effect.

March 12, 2021

Law was enacted requiring paid leave for COVID-19 vaccination.

May 27, 2021

New York State Department of Labor issued guidance about paid sick leave and vaccine side effects.

The New York Department of Labor noted workers have avoided vaccination out of fear of missing work.

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