
New York City Adopts COVID Vaccination Leave for Employees' Children

December 10, 2021

The New York City Council has passed, and Mayor de Blasio is expected to sign, a new law which provides for “COVID-19 child vaccination time”. The law amends the existing Employee Sick and Safe Time Act (“ESSTA”) to provide that employees who are parents or legal guardian of a child under age 18 must be given an additional four hours of paid leave, per injection, for COVID-19 child vaccinations. Permitted uses include accompanying the child to receive the vaccine or caring for a child who is experiencing temporary side effects from the injection. These hours may not be charged against the employee’s normal leave entitlement under ESSTA (generally 40 hours per year). Employers may not require employees to make up work missed as a result of taking this leave and may not require the employee to find their own replacement. Employers can require employees to give up to seven days’ prior notice of the need for this leave. The full text of the law can be found [here](#).

The law provides penalties of the greater of 3 times the amount of wages which should have been paid to an employee or \$250, as well as a civil penalty of \$500 per violation.

The law goes into effect immediately, and is actually retroactive to November 2, 2021. However, the Department of Consumer and Worker Protection, which is charged with enforcement of this law, will not enforce the law for 60 days after it becomes law without first giving written notice to an employer and an opportunity to cure. The law will sunset on December 31, 2022, unless further extended by the City. This law is only applicable to employers within the City of New York.

If you have questions about any implications of this new law, feel free to contact James G. Ryan at (516) 357-3750 or jryan@cullenllp.com, Jennifer E. Seeba at (516) 296-9173 or jseeba@cullenllp.com, Jennifer A. McLaughlin at (516) 357-3889 or jmclaughlin@cullenllp.com, or Thomas B. Wassel at (516) 357-3868 or twassel@cullenllp.com.

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