

NYC Employers Must Provide Paid COVID-19 Child Vaccination Leave

Law and the Workplace Blog on **December 23, 2021**

The New York City Council approved a [bill](#) that amends the City's Earned Safe and Sick Time Act to require employers to provide paid COVID-19 child vaccination leave. Without signature from Mayor Bill de Blasio, the bill lapses into law after 30 days (*i.e.*, on December 24, 2021) but applies retroactively to November 2, 2021, which is the date the CDC authorized the COVID-19 vaccine for children ages 5-11.

Under the bill, employees who are the parents of a child under the age of 18 (or an older child who is incapable of self-care because of a mental or physical disability) are entitled to four hours of COVID-19 child vaccination time per vaccine injection, for each such child, for an absence from work due to any of the following reasons associated with such child's COVID-19 vaccination: (i) accompanying such child to receive a COVID-19 vaccine injection; or (ii) caring for such child who cannot attend school or childcare due to temporary side effects from a COVID-19 injection. Such paid leave cannot be charged against an employee's accrual or use of sick or safe leave under existing law.

Employers may require reasonable notice of the need for such leave as well as reasonable documentation within seven days of an employee's use of leave. Notwithstanding other provisions of the city law allowing the safe and sick time provisions to be waived, the requirement to provide COVID-19 child vaccination time cannot be waived.

The law will expire and be deemed repealed on December 31, 2022, though employers will still be required to pay each employee for COVID-19 child vaccination time accrued on or before that date. New York City employers should review their policies on paid leave, especially as it relates to COVID-19, and be prepared to make necessary revisions to comply with the law. Employers should also keep in mind the New York State paid vaccine leave law which, as we [previously reported](#), requires employers to provide employees with a sufficient period of time, not to exceed four hours, per vaccine dose, to be vaccinated for COVID-19.

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