

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL

POLICY BULLETIN 2021-01-a

Section 21.12

September 2021

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TO: Manual Recipients
FROM: Jessica Rowe, Director of Staffing Services
SUBJECT: Leave for COVID-19 Vaccinations

The following information supersedes Policy Bulletin 2021-01 – Leave for COVID-19 Vaccinations. Any copies of Policy Bulletin 2021-01 should be removed from your printed Attendance and Leave Manual and destroyed.

Legislation enacted in March 2021 (Chapter 77, Laws of 2021) amended the Civil Service Law to entitle all employees regardless of Attendance Rules coverage to take up to four hours of paid leave for receiving **each** COVID-19 vaccination. **It should be noted that the law does not limit the number of times an employee may receive paid leave for a COVID-19 vaccination, including a COVID-19 booster vaccination.** This provision became effective March 12, 2021. A copy of this legislation is attached.

Specifically, section 159-c of the Civil Service Law was added to entitle State officers and employees to paid leave without charge to leave credits to receive COVID-19 vaccinations.

Employees who received a vaccination during work hours prior to March 12, 2021, are required to charge leave accruals or be granted a leave without pay.

The appointing authority may require satisfactory medical documentation that the employee's absence was for the purpose of receiving the COVID-19 vaccine.

Employees are entitled to a leave of absence for COVID-19 vaccinations scheduled during the employees' regular work hours. Employees who undergo vaccinations outside their regular work schedules do so on their own time. For example, employees are not granted compensatory time off for vaccinations that occur on pass days or holidays.

Up to four hours of paid leave is allowed for each dose of the COVID-19 vaccine. Travel time (based on travel to and from the employee's worksite) is included in this four-hour cap. Absence beyond the four-hour caps must be charged to leave credits.

Please note that no time off is allowed for any other type of vaccination, including the Seasonal Flu Vaccine.

Any questions about these provisions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

Attachment

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Chapter 77 of the Laws of 2021 amended the Civil Service Law effective March 12, 2021, by adding § 159-c, to read as follows:

§ 159-c. Leave time for COVID-19 vaccination. 1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and shall be deemed to have a paid leave of absence from his or her duties or service for a sufficient period of time, not to exceed four hours per vaccine injection, unless such officer or employee shall receive a greater number of hours pursuant to a collectively bargained agreement or as otherwise authorized by the employer, to be vaccinated for COVID-19.

2. The entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave such public officer or employee is otherwise entitled to.

3. Nothing in this section shall be deemed to impede, infringe, diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining agreement.