

PERSONNEL SERVICES BULLETINS (PSBs)

600-4

Subject: Temporary Citywide Policy for Vaccination of City Employees against SARS-CoV-2

Source: New York State Civil Service Law, Section 159-c

Date: March 12, 2021

I. Background

In 2020, Public health officials discovered a new coronavirus, Severe Acute Respiratory Syndrome Coronavirus 2, or SARS-CoV-2. The virus may cause some infected persons to develop a disease called COVID-19 that has an array of adverse health effects which may cause temporary or long-term disability or death. The virus is spread between people who are in close contact with one another through respiratory droplets produced when an infected person coughs, sneezes, or speaks.

In December 2020, the United States Food and Drug Administration approved emergency administration of two vaccines shown in clinical trials to be effective in creating an immunity against COVID-19 in large segments of the population, with the expectation that other vaccines may become available in coming months. Effective administration of the vaccines approved for use as of the date of issuance of this policy requires an initial injection of the vaccine followed by a second injection three to four weeks after the initial injection.

The vaccines will initially be made available according to a schedule that prioritizes administration based on such factors as the incidence of a person's exposure to the virus as a result of his or her occupation as a provider of medical services or his or her institutional confinement, or a person's susceptibility to the debilitating effects of the disease due to the presence of underlying co-morbidities or the person's advanced age. The long-term goal is to effectuate the immunization of the vast majority of residents of the country against the coronavirus and thereby eradicate the disease.

II. Purpose

New York Civil Service Law, Section 159-c require employers to provide a paid leave of absence from his or her employer for a sufficient period of time, not to exceed four hours per vaccine injection, to be vaccinated for COVID-19.

This Personnel Services Bulletin provides guidance on the application of these provisions of the law.

This PSB also provides guidance on compensatory time upon completion of the vaccination protocol.

This policy does not supersede City rules, regulations, or policies applicable in the workplace, but rather is designed to encourage and facilitate the expeditious vaccination of City employees in order to protect the workplace and City residents in general.

III. Policy and Procedure

A. Excused Leave

An employee may take up to four hours of excused leave for travel during scheduled work hours to the administration site and receipt of the vaccination for each required administration of the vaccine. To the extent practicable, an employee should notify his or her supervisor at least three calendar days before the scheduled administration of the vaccine and schedule the excused leave for a time that minimizes interference with agency operations. The employee must provide documentation of the scheduled vaccination at the time he or she notifies the supervisor of the need for excused leave and provide documentation of the receipt of each required vaccination, including the date and time of administration, signed by the provider or the provider's agent. Employees are excused only for the time required to receive the vaccine, including travel to and from the vaccination site, up to a maximum of four hours for each administration. Any additional time off must be charged to the employees' leave balances.

An agency head, in his or her sole discretion, may grant excused leave in excess of four hours to an employee in exceptional circumstances, such as widespread mass transit delays, unusually long travel distance between the worksite and the site of the vaccination, or unexpected delays at the vaccination site. An employee seeking excused leave that exceeds four hours must provide a credible explanation and documentation of the reason that the absence from the worksite to receive a vaccination exceeded four hours.

An employee who receives administration of a vaccination during non-working hours shall not receive excused leave for such administration.

B. Compensatory Time

Upon the employee's submission of documentation that he or she has received all injections of the vaccine required by the protocol for the vaccine administered to the employee (e.g. after confirmation of both the first and second dose, if the protocol requires two injections), the employee shall be credited with three hours of compensatory time. Employees are eligible to receive compensatory time upon the receipt of the vaccine whether it was received during work hours or non-working hours. This compensatory time can be used at the employee's discretion, subject to agency approval, immediately after donation, or banked for up to one year. An employee cannot be paid for this time in lieu of taking it off.

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