

ELECTION LAW HAS BEEN AMENDED TO PROVIDE ADDITIONAL, PAID, TIME OFF TO VOTE

Hodgson Russ Home Care Alert
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The New York Election Law has been amended to provide all registered voters with up to three hours of time off from work, regardless of the employee's work schedule, without loss of pay, so that the employee can vote in any public election. Prior to this amendment, employees were eligible to request up to two hours of paid time off to vote if they did not have four or more consecutive hours off from work between: (i) the time when the polls opened and they began their shift; or (ii) the end of their shift and the closing of the polls. In view of these conditions, most employees were able to vote before or after work, obviating the need for an employer to release the employee from work or pay for his/her voting time. The amended Election Law removes these conditions, which will make more employees eligible to take paid time off from work in order to vote. Further, the amended Election Law grants employees up to three (instead of two) hours of paid time off to vote.

Under the amended Election Law, employees who wish to vote in elections will be required to notify their employers at least two days in advance of the needed time off. Employers may require that the time off be taken at the beginning or the end of an employee's shift. The law does not specify whether employers may require that employees use their accrued paid time off for this purpose.

Employers are encouraged to modify their workplace policies, which should contain a provision regarding voting time. In addition, employees with supervisory responsibilities should be trained to handle and process requests from employees who wish to vote in upcoming elections. Lastly, employers should begin considering staffing levels and schedules for upcoming election days in order to prevent any last-minute workforce shortage and production or service interruptions.

If you have any questions, please contact the Leader of the Home Care Practice, Emina Poricanin, or any other member of our team. If you received this alert from a third party or from visiting our website and would like to be added to our Home Care Practice or any other mailing list, please visit us at bit.ly/HodgsonSignUp.

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