

Increased Employee Voting Rights in New York

With Election Day on the horizon, employers are reminded that changes to the election law this year afford employees in New York additional rights to time away from work to vote.

Under the new law, New York employers must provide employees with up to three hours of time off from work to vote without a loss in pay for any election. Employees may take such time off from work either at the beginning or end of their shift. In order to take advantage of this right, employees must advise their employer of the need for time off from work to vote no less than two working days before the election.

Previously, employers in New York were required to provide up to two hours of paid time off from work to vote only if an employee had less than 4 consecutive hours between the time polls opened and the start of their shift or between the end of their shift and the closing of the polls. With the elimination of the 4 hour window as a prerequisite for receiving time off to vote, all employees are entitled to receive paid time off to vote.

Employers must pay employees their regular hourly rate of pay for time off to vote. Tipped employees for whom their employer takes the tip credit should be paid at their full hourly rate of pay. Exempt employees may not be docked pay and their paid time off, sick leave and vacation balances may not be reduced should they take such time off from work to vote.

Finally, employers must post a notice outlining employees' rights to take time off from work to vote. Such notice must be posted in the workplace no less than ten working days prior to every election.

Employers should review their employee handbooks and any workplace policies discussing time away from work to vote in order to ensure that their policies comply with the new legal requirements. Moreover, employers should ensure that they timely post the required notice of employee rights.

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