



News & Updates

EMPLOYER OBLIGATIONS UNDER NEW YORK STATE ELECTION LAW

With election season upon us, it is important for employers to be aware of their legal obligations to those of their employees who are registered voters.

Employer's Obligations

New York State Election Law § 3-110 requires employers to provide up to two hours of paid leave to their employees, who are registered voters and who have insufficient time to vote during an election.

Sufficient time is defined as either four consecutive hours either between the opening of the polls and the beginning of the employee's shift, or between the end of the employee's work shift and the close of the polls.

If the employee has less than four consecutive hours, the employee may take off so much working time as will, when added to his voting time outside his working hours, enable him to vote, but not more than two hours of which shall be without loss of pay. It must be noted that the employee must only be allowed time off for voting either at the beginning or end of his working shift, as the employer may designate, unless otherwise mutually agreed.

This law applies, not only to general elections, but also to primary elections, village and town elections, and special elections proclaimed by the governor.

Not less than 10 working days before every election, the employer is also required to post, conspicuously in the work place, where it can be seen by employees as they come and go, a notice setting forth the provisions of this law. The notice must be kept posted until the close of polls on Election Day.

There is a primary election on Thursday, September 14, 2012. If you have not already posted the required notice, it is recommended that you post this notice now.

The general election will take place on Tuesday, November 6, 2012. The required notice for the general election should be posted no later than Friday, October 26, 2012.

Employee's Obligation

If an employee has insufficient time and requires working time off to vote, the employee must notify the employer not more than ten nor less than two working days prior to the date of the election.

Click here to view the election notice on the New York State Board of Election's website.

Sean P. Beiter (716.566.5409; sbeiter@goldbergsegalla.com)

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