

Legislative Update OCTOBER 2022*

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NEW YORK STATE DEPARTMENT OF LABOR ISSUES REMINDER CONCERNING EMPLOYERS' OBLIGATIONS UNDER THE NEW YORK STATE ELECTION LAW

With the November 8, 2022 mid-term election day almost here, New York businesses are reminded that New York's Election Law grants certain employees working in New York State paid time off to vote and also imposes posting requirements related to the law.

By law, an employee is only eligible for time off during working hours if they do not have four (4) consecutive hours off either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls.

For example, as the polls in New York State generally open at 6 a.m. and close at 9 p.m., an employee with a 9 a.m. to 5 p.m. shift has four (4) consecutive hours between the end of their shift and the closing of the polls to vote, and therefore is not entitled to paid time off to vote. If, however, the shift begins at 9 a.m. and ends at 6 p.m., the employee does not have four (4) consecutive hours before or after work to vote and is eligible for up to two (2) hours paid time off to vote, either at the beginning or end of their shift, as the employer designates, or as mutually agreed upon. An employee must notify their employer at least two (2) working days, but not more than ten (10) working days, prior to their intention to take paid time off to vote.

Also, at least ten (10) working days prior to election days, all businesses must post the requirements for compliance with New York's voting leave law. The required notice is located at this site: https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteNotice.pdf?utm_medium=email&utm_source=govdelivery. The bottom of the notice states: "Not less than ten working days before any Election Day, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this law. Such notice shall be kept posted until the close of the polls on Election Day."

For more information, please see the New York State Board of Elections' voting rights FAQs at https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteFAQ.pdf?utm_medium=email&utm_source=govdelivery.

Source: NYSDOL

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