



N.Y. Human Resources Law Alert

A Publication of Saiber LLC's Employment Law Group
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“Time Off to Vote in New York”

With the presidential election just around the corner, it is important for employers to understand the rules for allowing employees time off from work to cast their ballots. While there is no federal law that requires employers to allow employees time off to vote, New York's laws guarantee voting leave with certain conditions. Specifically, employers should be aware of the notice and timing issues.

Under Consolidated Laws of New York §3-110:

- Employees are entitled to up to two hours paid leave to vote, at the beginning or end of their scheduled work shift, if they do not have "sufficient" non-working time to vote. “Sufficient time” is defined as four consecutive non-working hours between polls opening and closing.
- Employees must request time off to vote between two and 10 days before election day.
- The employer can specify whether leave is to be taken at beginning or end of shift.

Employers must post a notice of these voting rights conspicuously 10 days before the election. A sample Notice can be retrieved from our website www.saiber.com.

Disclaimer

The information contained in this notice should not be relied upon as legal advice and recipients of it should consult with an attorney to determine the specifics of the provisions referenced herein and their applicability to them.

About the Authors

For over 30 years, **Sean Kelly** has focused his practice on counseling employers and defending employment cases, and has successfully tried many employment cases to verdict. He is certified by the Supreme Court of New Jersey as a Civil Trial Attorney, has been repeatedly included in New Jersey Monthly Magazine's list of New Jersey “Super Lawyers,” holds the highest rating awarded by the Martindale-Hubbell Lawyers Directory, has been named a Master of two separate American Inns of Court, {00747235.DOC}



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DanaLynn Colao focuses her practice on business litigation with an emphasis on employment issues. She counsels and provides training for clients on a wide array of issues that arise in the workplace including medical leaves of absence, wage and hour claims, employment agreements and non-compete agreements. Strategic thinking and affirmative measures enable DanaLynn to significantly reduce potential liability for her clients. DanaLynn was selected to the *New Jersey Law Journal's* list of leading lawyers in the "Forty Under 40" selection and she has been listed since 2009 in the NJ Super Lawyers "Rising Star" category.

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ATTENTION ALL EMPLOYEES

NEW YORK STATE LAW (NYSEL 3-110) STATES THAT:

- **IF YOU DO NOT HAVE SUFFICIENT TIME OUTSIDE YOUR WORKING HOURS TO VOTE, YOU MAY TAKE OFF UP TO 2 HOURS AT THE BEGINNING OR END OF YOUR SHIFT, WITH PAY, TO ALLOW YOU TIME TO VOTE.**
- **“SUFFICIENT TIME” IS DEFINED AS: 4 CONSECUTIVE HOURS EITHER BETWEEN THE OPENING OF THE POLLS AND THE BEGINNING OF YOUR WORKING SHIFT OR BETWEEN THE END OF YOUR WORKING SHIFT AND THE CLOSING OF THE POLLS**
- **YOU MUST NOTIFY YOUR EMPLOYER NO MORE THAN 10 AND NO FEWER THAN 2 DAYS BEFORE THE DAY OF THE ELECTION THAT YOU WILL NEED TIME OFF TO VOTE. THE EMPLOYER MAY SPECIFY WHETHER LEAVE IS TO BE TAKEN AT THE BEGINNING OR END OF YOUR SHIFT.**