



IBEW 2213 NEWSBEAT

October 2nd 2020

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New York State Voting Leave Rights

Section 3-110 of the New York State Election Law, which relates to providing employees in New York State time off to vote, was recently amended effective April 3, 2020.

Eligibility Generally, New York State employees are eligible for up to two hours of paid time off to vote if they do not have “sufficient time to vote.” An employee is deemed to have “sufficient time to vote” if an employee has four consecutive hours to vote either from the opening of the polls to the beginning of their work shift, or four consecutive hours between the end of a working shift and the closing of the polls. For example, if an employee is scheduled from 9 am to 5 pm, and the polls are opened from 6 am to 9 pm, the employee is not eligible for paid time off to vote, because the polls are open for four consecutive hours after the employee’s shift ends at 5 pm. However, if an employee is scheduled to work from 9 am to 6 pm, then the employee is eligible for paid time off to vote, because the employee only has three consecutive hours off in the beginning of their shift and end of their shift.

How much paid time off to vote are employees entitled to? The Election Law provides for up to two hours of paid time off to enable an employee time to vote when added to their voting time outside their working hours. While two hours is the maximum paid time off allowed under the law, the amount of paid time off required for an employee to vote must be determined on a case-by-case basis as waiting times at polling places, traffic conditions, and other factors may vary wildly.

How many days in advance must an employee notify their employer of their intention to take paid time off to vote? An employee must notify an employer at least two working days prior to their intention to take paid time off to vote, but not more than ten working days.



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