

October 22, 2012

## **Election Day Reminder: Voting Leave Requirements**

In anticipation of Election Day on Tuesday, November 6, 2012, employers should review the following checklist to ensure they are in compliance with New York State Election Law's voting leave requirements:

- First, employers must post a notice reminding employees of their voting leave rights at least ten (10) working days prior to every election. Accordingly, your notice should be posted in a conspicuous location by tomorrow, Tuesday, October 23, 2012 to ensure you are in compliance in advance of the general election.

Please click on the following link for a sample poster provided by the New York State Board of Elections

<http://www.elections.ny.gov/NYSBOE/elections/AttentionEmployees.pdf>

- Second, the New York State Election Law requires employers to provide their employees "sufficient time" outside of their working hours to vote.
  - If an employee has four (4) consecutive hours either between the opening of polls and the beginning of his work day or the end of his work day and the closing of the polls, the employee has a sufficient amount of time to vote and is not entitled to any additional time off to do so.
  - However, if an employee has less than four (4) consecutive hours before or after his or her work day, employers must provide the employee up to two hours of leave without loss of pay to vote either at the beginning or the end of the employee's work day.
  - Notably, employees who require working time off to vote must notify their employers at least two (2) working days before Election Day.

If you have any questions regarding voting leave requirements or any other related matter, please contact Rebecca Fischer at (212) 758-7793 or [rfischer@cfk-law.com](mailto:rfischer@cfk-law.com).

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