

October 21, 2019

## **New York Employees Entitled to up to Three Hours of Paid Time Off to Vote**

In April 2019, the New York State Legislature amended New York Election Law § 3-110 to provide employees with up to *three* hours of working time without loss of pay to vote in any election, provided they are registered voters. An employee who requires time off to vote must notify the employer at least two working days before the day of the election, and is permitted to use working time to vote only at the beginning or end of the scheduled workday, at the employer's discretion, unless the employer and employee mutually agree otherwise.

Under the previous version of the law, employees were entitled to time off to vote only if they lacked four consecutive hours during which to vote between the opening of the polls and the start of the workday, or between the end of the workday and the closing of the polls. Further, such employees were entitled only up to *two* hours of paid time off to vote. Employers should review their voting leave policies to ensure compliance with these significant changes.

As before, the law requires employers to conspicuously post a notice in the workplace describing the provisions of the law not less than ten working days before every election. The notice must remain posted until the polls close on election day.

The next election will be held on November 5, 2019. To ensure compliance with the Election Law, employers must post the notice of employee rights on or before October 22, 2019. Although no specific form for the notice is required, it must include the provisions of § 3-110. A link to the revised model posting published by the New York Board of Elections is available [here](#).

If you have any questions about voting leave requirements, please contact any attorney at the Firm at (212) 758-7600.

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