

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2019-02-a

Section 21.12

June 2019

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TO: Manual Recipients
FROM: Jim Galvin, Director of Staffing Services
SUBJECT: Time Off to Vote

Legislation enacted in April 2019 (Chapter 55, Laws of 2019) amended the Election Law to allow employees to take up to three hours of paid leave to vote in any election in New York State.

Specifically, Section 3-110 of the Election Law was amended to allow employees, who are registered to vote and who provide at least two working days' advanced notice, up to three hours of leave, without charge to leave accruals, to vote in any election. Employees are not required to have Attendance Rules coverage to be granted this leave with pay.

The benefit is immediately available and applies to any general election, special election called by the Governor, primary election, or municipal election. There is no cap on the number of elections per year an employee may request Time Off to Vote. Time off to vote is **not** available for school or library elections.

Employees **must** be allowed time off with pay, without charge to leave accruals, for up to three hours either at the beginning or end of their regularly scheduled work shift. Whether the leave to vote occurs at the beginning or end of the work shift is at the employer's discretion and based on the operating needs of the agency.

While up to three hours of leave with pay is available for every election, not every employee's situation (i.e., work schedule, distance between the worksite and polling place, etc.) will require a full three hours of Time Off to Vote. However, agencies cannot deny time off from work simply because an employee might have time before or after their regular work hours. Agencies can engage employees who request the leave in an effort to refine the amount of time requested and granted in light of agency operations. Prior to denial of a request for time off to vote agencies should contact their agency Counsel's Office for assistance and advice.

Like other leaves at full pay, leave to vote is considered full pay status for Attendance and Leave purposes (e.g., earning leave accruals, eligibility for sick leave at half-pay, etc.).

An appointing authority may **not** require proof of voter registration or proof that an employee actually voted.

Agencies must post notice of Time off to Vote at least ten workdays before any election. The notice must be conspicuously posted where it can be seen as employees come or go to their place of work.

Agencies may need to develop or update their timekeeping system so that employees are afforded up to three hours of leave, per the statute.

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Any questions about these provisions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

Attachment

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Chapter 55 of the Laws of 2019 amended the Election Law effective April 1, 2019 to read as follows:

§ 3-110. Time allowed employees to vote.

1. A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable him or her to vote at any election.
2. The employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.
3. If the employee requires working time off to vote the employee shall notify his or her employer not less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.
4. Not less than ten working days before every election, 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 section. Such notice shall be kept posted until the close of the polls on election day.

Attention All Employees

Time Off to Vote

N.Y. Election Law Section 3-110

- As a registered voter, you may take off up to 3 hours, without loss of pay, to allow you time to vote.
- You may take time off at the beginning or end of your working shift, as your employer may designate, unless otherwise mutually agreed.
- You must notify your employer not less than 2 days before the day of the election that you will take time off to vote.