

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2020-02

Section 21.12

June 2020

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TO: Manual Recipients
FROM: Jessica Rowe, Director of Staffing Services
SUBJECT: Time Off to Vote

The following information supersedes Policy Bulletin 2019-02-a – Time Off to Vote. Any copies of Policy Bulletin 2019-02-a should be removed from your printed Attendance and Leave Manual and destroyed.

Legislation enacted in April 2020 (Chapter 55, Laws of 2020) amended the Election Law to allow employees to take up to **two** hours of paid leave to vote in any election in New York State when the employee does not have sufficient time to vote before or after their work shift.

Specifically, Section 3-110 of the Election Law was amended to allow all employees who are registered voters, and who do not have sufficient time to vote **outside of their working hours**, to take off an amount of time, which when added to the voting time available outside working hours, will enable them to vote. Additional time off for employees who are covered by the Attendance Rules should be charged to vacation, overtime compensatory time credits or personal leave, as approved by the agency.

Four consecutive hours **either** between the opening of the polls and the beginning of the employee's work shift, or between the end of their work shift and the closing of the polls, is considered sufficient time to vote.

Time off to vote must be taken at the beginning or end of the work shift, as directed by the agency, unless the agency and the employee mutually agree on another time.

Time off to vote applies to general elections, special elections called by the Governor, primary elections, town and village elections, but not to school or library elections.

If an employee requires time off to vote, they must notify the agency not more than ten nor fewer than two working days before the day of the election.

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 enter or exit their place of work. Agencies should also post the notice on their intranet or distribute it to employees via email.

Agencies should update their timekeeping system so that employees are afforded up to **two** hours of leave, when necessary.

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 2020 amended the Election Law effective April 1, 2020 to read as follows:

§ 3-110. Time allowed employees to vote.

1. If a registered voter does not have sufficient time outside of his or her scheduled working hours, within which to vote on any day at which he or she may vote, at any election, he or she may, without loss of pay for up to two hours, take off so much working time as will, when added to his or her voting time outside his or her working hours, enable him or her to vote.

2. If an employee has four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, he or she shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two hours of which shall be without loss of pay, provided that he or she 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 more than ten nor 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 ALLOWED EMPLOYEES TO VOTE ON ELECTION DAY
N.Y. ELECTION LAW SECTION 3-110¹ STATES THAT:

- **IF YOU DO NOT HAVE 4 CONSECUTIVE HOURS TO VOTE, EITHER FROM THE OPENING OF THE POLLS TO THE BEGINNING OF YOUR WORKING SHIFT, OR BETWEEN THE END OF YOUR WORKING SHIFT AND THE CLOSING OF THE POLLS, YOU MAY TAKE OFF UP TO 2 HOURS, WITHOUT LOSS OF PAY, TO ALLOW YOU TIME TO VOTE IF YOU ARE A REGISTERED VOTER.**

- **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, BUT NOT MORE THAN 10 DAYS, BEFORE THE DAY OF THE ELECTION THAT YOU WILL TAKE TIME OFF TO VOTE.**

¹ Employers: Not less than ten working days before any Election Day, 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 law. Such notice shall be kept posted until the close of the polls on Election Day.