

# KEY ELECTION DAY REMINDERS FOR NEW YORK EMPLOYERS

*Hodgson Russ Labor & Employment Alert*  
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With the general election just weeks away, New York employers must remember that the Election Law obligates them to provide their employees paid time off to vote (under certain circumstances identified below), and mandates the posting of a notice related to voting leave rights.

More specifically, pursuant to New York Election Law 3-110, 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 they have 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.

By way of example, if an employee is scheduled from 9 a.m. to 5 p.m., and the polls are open from 6 a.m. to 9 p.m., the employee is not eligible for paid time off to vote. However, if an employee is scheduled to work from 9 a.m. to 6 p.m., 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.

Under the statute, 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 10 working days.

With respect to the posting requirement, at least 10 working days before Election Day, employers must post a notice setting forth the paid voting leave rights under the law. A sample notice can be found [here](#).

Employers should also be mindful of Section 201-d of the New York Labor Law which, among other things, prohibits discrimination against employees for engaging in “political activities.” For this purpose, political activities is limited to: (1) running for public office; (2) campaigning for a candidate for public office; or (3) participating in fundraising activities for the benefit of a candidate, political party, or political advocacy group. However, such political activities are only protected if they are legal and occur outside of working hours, off the employer’s premises, and without the use of the employer’s equipment or other property.

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If you have any questions regarding these obligations and their impact on your workforce, please contact [Glen P. Doherty](#) (518.433.2433), [Kinsey O'Brien](#) (716.848.1287), or any other member of our [Labor & Employment Practice](#).