

## How to Manage Time-Off Requests for Election Day

### Overview

Election Day is November 8<sup>th</sup> and it is anticipated that voter turnout will reach a record high. As a result, employers should prepare for an increase in the number of employees requesting time off to vote. Under what circumstances, if any, are employers required to grant this type of request? Read ahead to learn about the voting leave laws in your state.

### The Situation

Whether an employer is required to grant employee’s request for time off to vote depends on the laws in the state in which the employee works. The below table shows which states provide voting leave and which states do not.



#### **No Voting Leave Provided**

- Connecticut
- Delaware
- Florida
- Idaho
- Indiana
- Louisiana
- Maine
- Michigan
- Montana
- New Hampshire
- New Jersey
- North Carolina
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Washington
- Washington DC

#### **Unpaid Voting Leave**

- Alabama
- Arkansas
- Georgia
- Kentucky
- Massachusetts
- Mississippi
- New Mexico
- North Dakota
- Ohio
- Wisconsin

#### **Paid Voting Leave**

- Alaska
- Arizona
- California
- Colorado
- Hawaii
- Illinois
- Iowa
- Kansas
- Maryland
- Minnesota
- Missouri
- Nebraska
- Nevada
- New York
- Oklahoma
- South Dakota
- Tennessee
- Texas
- Utah
- West Virginia
- Wyoming

In states where voting leave is required, state law dictates the conditions under which voting leave must be provided, if at all. The laws also set forth the amount of time that an employee must receive for this type of leave. As demonstrated above, depending on the state, the leave may be paid or unpaid.

There are many differences between each states voting leave requirements. Some states require the employer to provide voting leave only if the employee will not have enough time to vote before or after the scheduled workday.

Many, but not all, states prevent the employer from firing or disciplining the employee for taking time off to vote. In some states, if the employee does not vote, even though he/she took time off for that purpose, the employer can dock pay for the hours the employee took off from work.

Some states with laws allowing time off to vote impose penalties if an employer prevents its employees from exercising their right to vote.

In states where voting leave is provided by law, it is important for employers to familiarize themselves with their voting leave obligations and verify that their policies comply with these laws. Employers should also train their supervisors and managers about this leave to ensure that employees are provided voting leave in accordance with state law.

In states where voting leave is not mandated, employers should consider providing employees with the opportunity to take time to vote at a logical point during their shift (i.e. at the beginning or end of a shift or provide an extended meal period).