

Employer Alert: Employees' Right to Time-Off for Voting

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By Daniel I. Goldberg



With the first Tuesday in November around the corner and matters both big and small on the ballots – from local environmental issues to the right to choose and election measures on state ballots to the exalted presidential election – it is an appropriate time to reexamine employees' rights and employers' obligations to provide time off to vote.

Strangely, there is no federal law that addresses the rights of employees to voting leave. Instead, there is a tapestry of state laws addressing the issue. Some states require paid voting leave, while others only provide for unpaid leave. And, of those that require leave – some have specific exceptions if an employee has enough time to vote before or after work while polls are open. Still, other states require employers to notify employees of their rights. This, no doubt, results in a complex web of laws that is difficult for employers to navigate. For example, (a) New York requires employers post notice of employees' voting leave rights and provide employees with at least two hours of paid voting time, unless the employee has at least four non-working hours while the polls are open, (b) Maryland requires that employers provide registered voters with up to two hours of voting leave, unless the employee has at least two continuous hours off-duty time while the polls are open, and (c) California requires employers post notice of employees' voting leave rights and to pay employees for up to two hours of voting time at the beginning or end of a work shift. Employers are reminded that it is best practice to consult their own internal policies which may well provide employees with rights that go beyond those required by the state in which their employees are working.

As November 5th approaches, Offit Kurman's Employment Law Group is always available to answer any questions you might have on voting leave or any related matter.