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## NY Employers Must Increase Paid Leave for All Voters

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Effective immediately, New York's amended voting leave law requires employers to provide employees with "up to three" hours of *paid time off* to vote at "any election." Further, employers must post a notice in the workplace outlining employees' rights under this new law not less than ten working days before every election. These amendments were included as part of the comprehensive New York State 2019-2020 budget.

Employees are permitted to take time off to vote only at the beginning or end of their shift, unless otherwise agreed upon by both the employer and the employee. If an employee decides to request time off to vote, they must notify their employer "not less than two working days" before the election. Payment is made at the employee's regular hourly rate or the hourly rate they would have earned had they not taken leave. Tipped employees for whom the employer takes a tip credit are to be paid at the regular minimum wage. Employers are reminded that they are prohibited from making any deductions to an exempt employee's pay for partial day absences, including for taking voting leave permissible under New York law.

Previously, New York State employers were required to pay for "up to two" hours of paid time off *if* the employee had less than four consecutive hours between the opening of the polls and the beginning of his/her work shift, or between the end of his/her work shift and the

closing of the polls. This four hour requirement is no longer a pre-requisite for receiving paid time off to vote. As such, all employees are essentially guaranteed payment for up to three hours to vote at any election.

Employers should review their employee handbooks and other written policies to ensure that their voter leave policies comply with the new law. Moreover, employers should take necessary steps to prepare for an increase in absences on election days.

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