

Changes in New York State Election Law and Impact on UUP Members

This past session, Governor Cuomo and the NY State Legislature amended NY State Election Law increasing the amount of time employees can take off from work to vote. This change requires that employers provide employees with three (3) hours of paid time off on the day of an election to vote. The employer can mandate that this time be taken at the beginning or end of the workday, unless otherwise agreed to by the employer. This change does not apply to school district elections but applies to all other federal, state, and local elections and primaries. The law applies to all voting days including *early voting* days (October 26th through November 3rd) and Election Day (Nov. 5th).

Election Law § 3-110 previously required employers to allow employees to take up to two (2) hours of paid time off to vote in an election, but only if the employee did not have a four-hour block within which to vote from the opening of the polls until the start of their workday, or from the end of their workday until the close of the polls. With the changes made this year, it no longer matters if the employee has time before or after work to vote.

For an employee to avail themselves of this provision for time off without loss of pay, you must be a registered voter (although no proof of registration is required to request voting time off) and the employee must notify the employer not less than *two (2) days prior to the day of the election date* that the employee requires time off to vote in accordance with the provisions of this section. Any employee who misses time from work on the day of an election who has not requested at least two (2) days prior to have that time off without loss of pay, shall be treated in accordance with the employer's normal attendance policies.

Please be aware that Board of Election records are public records and the employer could verify if you voted or not on the date that paid time was given for voting. However, the employer will not know who you voted for.

If a member has any questions, or problems with obtaining paid time off for voting they should request assistance from their UUP Chapter office. The Chapter's assigned Labor Relations Specialist will be able to assist Chapter representatives with issues related to this change.

Thank you,

Fred Kowal,
Statewide UUP President