Personnel Policy Bulletin No.: 8/89 Date: 10-31-89
Regulation Reference No.: 6.1.1 - Attendance
Index Reference: Time Allowed Employees To Vote

Background

Section 3-110 of the current New York State Election Law sets forth the conditions under which employees who are registered voters may take time off from their jobs to vote. The provisions of this section are summarized below; a copy of Section 3-110 is attached hereto.

Policy

1. Unless an employee has an unusual work schedule, the employee should not require any extra time off to vote.

2. If an employee has four consecutive hours either before work or after work during the time the polls are open, the employee shall be deemed to have sufficient time to vote. If the employee has less than four consecutive hours, the employee may take as much time as is necessary to vote, but only two hours of this time shall be excused time.

3. If an employee who is a registered voter does not have sufficient time outside of working hours to vote, the employee may take up to two hours without charge to leave balances to vote.

4. Time off for voting shall be allowed only at the beginning or end of the work shift, as the College Personnel Officer may designate, unless otherwise mutually agreed upon.

Procedure

1. An employee requiring time off to vote shall notify the College Personnel Officer in writing, not more than ten nor less than two working days before the day of the election.

2. Every college shall post a notice setting forth the provisions of Section 3-110 of the current New York State Election Law at least ten working days before every election.

attachment: New York State Election Law Section 3-110

APPROVED

[Signature]

University Personnel Director

10-31-89
§ 3-110  ELECTION LAW

§ 3-110. Time allowed employees to vote

1. If a registered voter does not have sufficient time outside of his working hours, within which to vote at any election, he may, without loss of pay for up to two hours, take off so much working time as will, when added to his voting time outside his working hours, enable him to vote.

2. If an employee has four consecutive hours either between the opening of the polls and the beginning of his working shift, or between the end of his working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. If he has less than four consecutive hours he may take off so much working time as will when added to his voting time outside his working hours enable him to vote, but not more than two hours of which shall be without loss of pay, provided that he shall be allowed time off for voting only at the beginning or end of his working shift, as the employer may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote he shall notify his employer not more than ten nor less than two working days before the day of the election that he requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

L.1976, c. 233, § 1, formerly § 3-114; renumbered § 3-110, L.1976, c. 234, § 1.

Historical Note


Cross References

Dureas and intimidation of voters, see section 17-150.
Refusal to permit employees to attend election, see section 17-118.

Library References

Employees to vote

not have sufficient time outside which to vote at any election, he
up to two hours, take off so much
added to his voting time outside his
h to vote.

four consecutive hours either between and the beginning of his working shift, a working shift and the closing of the o to have sufficient time outside his hich to vote. If he has less than four r take off so much working time as will g time outside his working hours enmore than two hours of which shall be vided that he shall be allowed time off ginning or end of his working shift, as ate, unless otherwise mutually agreed.
quires working time off to vote he shall more than ten nor less than two work of the election that he requires time with the provisions of this section.

n working days before every election, ost conspicuously in the place of work employees come or go to their place of birth the close of the polls on election

early § 3–114; renumbered § 3–110, L1976,

Historical Note


c. 703, § 2 Former section 3–110. Renumbered by L. ed 7–201.

588, §

Cross References

voters, see section 17–150.

to attend election, see section 17–118.

Library References

C.J.S. Elections § 330.
§ 3-110  

**ELECTION LAW**  

Wages may be made by reason thereof, even though the polls are open for a period of two hours outside of his regular employment period. 1924, Op. Atty Gen. 159.

7. Compensation rights

Where, under union contract requiring additional compensation for hours in excess of eight worked in one day, employee regularly received $17.10 for nine hour day, and employer, as required by section 226 of the former Election Law of 1948, excused employee to vote on election day after he had worked seven hours, employer was required to pay employee his usual wage of $17.10 for the day's work and could not satisfy the provisions of such section by paying only $13.30 in accordance with basic hourly straight time of $1.80. Williams v. Algonac Motors, 1954, 317 N.Y. 332, 121 N.E.2d 251, appeal dismissed 75 S.Ct. 438, 349 U.S. 948, 99 L.Ed. 740, rehearing denied 75 S.Ct. 378, 349 U.S. 907, 99 L.Ed. 1243.

The employee does not have absolute right to time off from work to vote, but is entitled to take off only so much working time as will, when added to his voting time outside his working hours, enable him to vote and be entitled to be paid for not more than two of such hours. General Elec. Co. v. Leikowitz, 1962, 36 A.D.2d 543, 239 N.Y.S.2d 849, affirmed 12 N.Y.2d 730, 233 N.Y.S.2d 937, 186 N.E.2d 197.

Employee, who required only 1½ hours to enable her to vote and whose shift ended 3½ hours before polls closed, was not entitled to be paid for hour of work she took off to vote. Id.

The provisions of section 226 of the former Election Law of 1948 could be considered a question of employees' deprivation of extra over-time wages by employer's failure to count such time in computing number of hours worked during regular 40-hour work week, though there was no such thing as additional overtime compensation when such section was first enacted. Lee v. Ideal Holter & Mfg. Co., 1940, 187 Misc. 399, 92 N.Y.S. 2d 721.

An employer, failing to count two hours voting time, for which section 226 of the former Election Law of 1948 allowed employees to be absent from employment on election day, in computing hours worked by them during regular 40-hour work week including such day for purposes of extra overtime wage payments, violated such section and labor union contract providing for such payments, so as to entitle employees to recover two hours additional overtime wages from employer. Id.

An employee is entitled to two hours absence from work in order to vote without pay being deducted, but if he is absent the entire day, there is no law preventing his being docked. Op. Atty Gen., 1913, 19 St. Dept. 104.

§§ 3-112, 3-114. Renumbered §§ 7-202, 3-110