

## Rollback of Paid Time Off for Vote Benefits

The New York State Fiscal Year 2021 Budget includes amendments to the Election law, reducing the amount of paid time off that employers are obligated to provide to their employees for the purpose of voting in most elections.

### Law from the Fiscal Year 2020 Budget

Since April 2019, employers have been required to provide employees with up to 3 hours of paid time off to vote, regardless of whether the employee has sufficient time to vote outside of working hours. The 3 hours of time off was required at either at the beginning or end of the employee's shift. The time off was available for nearly all elections. This time off benefit disrupted many employers, particularly in the transportation and health care sectors, where staffing is short and work schedules are complex.

### New Law from the Fiscal Year 2021 Budget

The new budget signed on April 3, 2020 reduces the paid time off benefit and restores it, for the most part, to what the benefit was before the changes were made last year. Now, if an employee has 4 consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, the employee is not entitled to have any paid leave from the employer because the employee is deemed to have sufficient time outside of working hours to vote. If an employee does not have these 4 hours before or after his/her shift available to vote, the employee may take off so much working time as necessary to vote, but not more than 2 hours. The up

to 2 hours of voting time off must be paid. However, with extended voting times, most employees will have the 4 hours before or after their shift available to vote.

### Effective Date

This component of the budget amends New York Election Law Section 3-110 and became effective immediately upon the Governor signing the budget on April 3, 2020.

### Notice is Required

Employees are required to provide notice of their intention to take time off to vote at least 2 days, but not more than 10 days, in advance of an election.

### Changes to Elections

- Executive Orders 202.12 and 202.13 have modified the Election Law by postponing and rescheduling the federal Presidential Primary from April 28, 2020 to June 23, 2020 and postponing and rescheduling the special elections in the 27th CD, 50th SD, 12th AD, 31st AD and 136th AD from April 28, 2020 to June 23, 2020.
- The Early Voting period for the State and Federal June 23rd Primary will be June 13, 2020 – June 21, 2020.
- The Early Voting period for the November General Election will be October 24, 2020 – November 1, 2020.