

May 1, 2019

NEW YORK AMENDS ELECTION LAW TO PROVIDE THREE HOURS OF PAID TIME OFF TO EMPLOYEES

To Our Clients and Friends:

On April 1, 2019, New York State amended its Election Law § 3-110, to provide all employees in New York with **three hours of paid time off** to vote. The amendments provide:

- All registered voters with **three hour of paid time off to vote** in any election;
- Paid time off must be provided **regardless of an employee's schedule**;
- An employee must provide **at least two days of advance notice** of the need to vote; and
- Employees **must post a notice setting forth these requirements** no less than 10 days before every election.

A. Summary of the Changes

Previously, New York law required employers to compensate employees for two hours of the employee's time off to vote; only mandated time off to vote if the employee did not have four consecutive hours in which to vote between the opening or closing of the polls and the employee's workday; allowed employers to designate that any requested time off to vote be taken at the beginning or end of an employee's workday; and required employees to provide between two and ten days' notice of their need for paid time off vote.

These amendments to New York law provide employees who are registered to vote with more paid time off to vote, remove the requirement that an employee not have sufficient time to vote before or after work while the polls are open, and relaxes the employee's advance notice requirement from ten days to two days. Employers are still allowed to designate an employee's time off to vote to the beginning or end of an employee's shift. The Election Law also maintains a posting requirement for employers, requiring that at least ten days prior to an election, the employer must conspicuously post in a place where it can be seen by employees coming and going from work a notice setting forth the provisions of New York Election Law § 3-110. The notice must remain posted until the polls close.

B. Reminder to Update Employment Policies / Employee Handbooks

The amendment to the Election Law is one of many recent changes in New York employment law. Other recent changes include:

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- New York State Paid Family Leave;
- Sexual harassment prevention and training requirements;
- Sick and safe leave;
- Accommodation requests;
- Lactation room requirements; and
- Increases to the minimum wage and salary basis threshold for exempt employees.

In light of these changes, we strongly recommend that employers with employees in New York review their employment handbooks and policies to ensure compliance with current law. Gibson Dunn is available to assist with reviewing and recommending changes to employment policies and employee handbooks.



Gibson Dunn lawyers are available to assist in addressing any questions you may have about this development. Please contact the Gibson Dunn lawyer with whom you usually work in the firm's Labor and Employment practice group, or the following authors in New York:

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