



New York Reverses Course On Contours Of Paid Voting Time Leave Law

Insights

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New York is reverting to its pre-2019 voting leave law, as employers will now only need to provide their workers with *two* hours of paid voting time rather than *three*. This change is effectively immediately, so New York employers will need to adjust their policies and practices accordingly.

What's Changing With Voting Leave?

By way of background, New York's voting leave law was amended in April 2019 to increase paid voting time for employees from two to three hours, regardless of whether the employee had sufficient time to vote before or after work. Due to amendments included in the state budget passed in early April, however, state lawmakers changed course and once again revised the voting leave law, returning to the pre-2019 version.

Effectively immediately, employees are once again entitled to only two hours of paid time off to vote. They can take this leave only if they do not have sufficient time to vote outside of working hours. If the employee has four consecutive hours before the opening of the polls and the start of their shift, or between the end of the shift and the closing of polls, the employee is deemed to have sufficient time to vote and is not entitled to any time off from work.

Employees must provide notice to their employer of their intent to use voting leave at least two, but no more than 10, working days before the election. Additionally, all employers must post a notice of the voting leave law at least 10 working days before the election, through the time polls close on election day.

What Do Employers Need to Do?

You should update your company's voting leave policies to reflect the latest changes to the law. Additionally, you should educate your managers on the turnaround in the law to eliminate confusion among the workforce. Finally, you must make sure to post a notice of the voting leave law in advance of any election.

We will continue to monitor further developments and provide updates on this issue and other labor and employment issues affecting New York employers, so make sure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, or any attorney in our [New York City office](#).

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