

New York Employees Get Up To Three Hours of Paid Time Off to Vote

By Richard I. Greenberg, Daniel J. Jacobs and Brian R. DeShannon

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A revision to New York's election law gives workers in the state up to three hours of paid time off to vote, Governor Andrew Cuomo highlighted in an [announcement](#) released on April 1, 2019, about New York's enacted budget for fiscal year 2020.

Effective immediately, the New York Election Law § 3-110 reads as follows:

A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable him or her to vote at any election

Under the new law, all employees may request up to three hours of paid time off to vote, regardless of their work schedules, as long as the request is made at least two working days prior to the election. The employer may designate that any requested time be taken at the beginning or the end of shift.

Previously, the election law provided that an employee was entitled to time off to vote only if he or she did not have four consecutive hours in which to vote between the opening of the polls and the beginning of the employee's work shift or the end of the employee's work shift and the close of the polls. The law also limited an employer's pay obligation to two hours. As New York polls generally remain open until 9:00 p.m., any worker whose workday ended at or before 5:00 p.m. was not entitled to paid time off. Moreover, workers whose jobs did not provide four consecutive hours before or after work to vote often have enough time to vote before or after work so that any additional time an employer must provide workers to reach the four-consecutive-hour minimum often was less than two hours.

Most proposals related to workplace laws were not included in the enacted budget, but they (such as a proposed change to the standard for sexual harassment claims under state law) still may pass later.

Please contact Jackson Lewis with any questions about this or other workplace developments.

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May 15, 2019

EPLI Trends, Sexual Harassment Claims, and Planning for 2019



As workplace laws continue to evolve, the potential risk exposure is increasing. Jackson Lewis prepared this trends overview to help assess the current workplace law landscape in the #MeToo era and the wave of agency charges, latest claims, and new laws. Highlights include: Pay Equity Lawsuits: The Next Wave of Litigation...

May 10, 2019

Commission-Only Inside Salespersons are Entitled to Overtime and Sunday Pay Under Massachusetts Law



Adhering to the “plain and ordinary” language of the state’s overtime statute and related regulations, the Massachusetts Supreme Judicial Court has held that inside sales employees paid on a 100% commission basis are additionally entitled to pay for overtime hours worked and premium pay for work on Sundays. *Sullivan v. Sleepy’s LLC*, 2019...

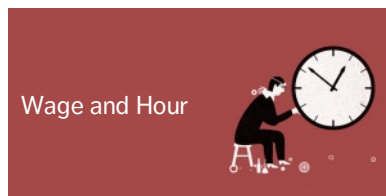
May 7, 2019

California’s ‘ABC’ Test for Independent Contractor Analysis to be Applied Retroactively



California employers were dealt another setback in the responding to claims of misclassification of independent contractor status for violations of the Industrial Welfare Commission Wage Order (“IWC Wage Orders”). Noting California’s “basic legal tradition” that “judicial decisions are given retroactive effect,” the U.S. Court of Appeals...

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