

## Employee Voting Rights: What Employers Need to Know

There are many state laws relating to employees rights to vote. With the general election less than six weeks away, I thought a refresher on voting rights would be in order this week.

In Minnesota an employee has a right to paid time off to vote. Employees have the right to be absent from work for the time necessary to appear at the employees polling place, cast a ballot, and return to work. Generally, an employer may not dock pay, personal leave, or vacation for voting leave. An employer who refuses, abridges, or interferes with an employees right to voting leave is guilty of a misdemeanor. I believe that most employers are eager to support the right to vote and avoid violating the law, but they also have a business to run. So how is an employer supposed to manage Election Day and ensure that the business is running smoothly? Here are some suggestions.

- **Advance Notice.** The statute does not prohibit employers from requesting advance notice of absences for voting time. You may want to send out a notice to employees stating that time off to vote must be arranged in advance in order to coordinate absences and minimize disruptions.
- **Reasonable Time Away.** The statute does not contain any time limitations, and it is permissible to limit paid voting leave to a reasonable amount of time. What is reasonable will depend upon individual circumstances, such as how far away the polling location is from the work facility and whether the employees polling place is in a densely populated area that results in long lines, or a rural area with less wait time. If any part of an employees shift takes place when polling places are open, the employee probably has the right to paid voting leave.
- **Proof.** Employers may require employees to account for their time and to show proof that they voted, as long as such requirements are not communicated in a way that would tend to discourage or interfere with use of voting leave.
- **Not on Work Time.** Employers do not have to pay voting leave to employees who are not scheduled to work on election day or who actually vote outside of working hours.
- **Notice to Employees.** Employers are not obligated to notify employees of the right to voting leave. However, communicating with employees about voting leave and related policies may not only increase civic engagement, it will likely minimize workday disruptions.

Voting rights laws vary from state to state. Employers should ensure that they are familiar with the laws of each state where they employ workers.