



Employment Edge 88th Edition - Voting Rights for Employees in Minnesota

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With the election less than one week away and with long lines expected at the polls, employers should bear in mind that under Minnesota law, employees must be permitted to take time off to vote during the morning of election, without penalty or deduction from wages. Violation of this law or any other interference with an employee's right to vote is a misdemeanor. Voting rights laws vary from state to state, so employers with employees in multiple states should ensure that they are familiar with the laws in each state where they employ workers.

In addition, under Minnesota law, an individual who is selected to serve as an election judge may be absent from work for that purpose without penalty, as long as the individual gives his or her employer at least 20 days' written notice. The employer may not impose any penalty for the absence other than to reduce the employee's salary or wages by the amount paid to the employee by the appointing authority for serving as an election judge. The employer may require that the employee's written request to be absent from work be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for serving as an election judge and the hours during which the employee will serve. The employer may restrict the number of its employees who may serve as an election judge to no more than twenty percent of the workforce at any single worksite.

Finally, when the election is over, Minnesota employers should remember that an employee elected to public office must be permitted time off from regular employment to attend meetings required by his or her official duties. The time off may be with or without pay, but the employer must make an effort to allow an employee taking time off without pay to make up the time with other hours. The employer is prohibited from retaliating against the employee for absences taken under this law.

If you have any questions, please contact Carl Crosby Lehmann.

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