

Time Off to Vote

October 29, 2008

With the election nearing, it is important to understand employers' obligations to allow employees time off to vote. California Election Code Section 14000 requires that all employers, both public and private, provide employees with sufficient time off to vote in statewide elections, if employees do not have sufficient time outside of working hours to vote.

There are, however, limits to employees' rights. Employees are only entitled to take off up to two hours of time with pay. Moreover, the time off to vote must be taken either at the beginning or the end of an employee's regular working shift, whichever allows the most free time for voting and the least time off from the work shift, unless the employer and employee mutually agree otherwise.

Furthermore, employers and employees both have notice obligations with respect to time off for voting. Every employer must conspicuously post, at least 10 days before any statewide election, a notice at the workplace (or, if impracticable, elsewhere where employees can see it as they come or go to the work site), setting forth the provisions of Election Code Section 14000. While many of the "all-in-one" Federal and California labor law posters contain this notice provision, all employers should make sure their postings contain provisions regarding time off for voting.

The employee, on the other hand, must give the employer at least two working days' notice of the need for time off if the employee, on the third working day prior to election day, knows or has reason to believe that he or she will need time off to vote on election day.

The right to time off to vote has been strictly protected as a matter of public policy. California courts have held that collective bargaining agreements and other employment agreements cannot waive employees' rights with respect to paid time off to vote. Moreover, any person charged with performance of any duty under any California law relating to elections who willfully neglects or refuses to perform it may be punished by a fine not exceeding \$1,000 or by imprisonment in state prison for sixteen months to three years, or both. Election Code Section 18002.

If you have questions about this or any other employment issue, please do not hesitate to contact [Wendy Lane](#).



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