

THE INSIDE PERSPECTIVE

LABOR AND EMPLOYMENT LAW SOLUTIONS FOR EXECUTIVES AND HR PROFESSIONALS



SMITH MOORE
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Allowing Employees Time-Off To Vote

News reports indicate that this year's McCain-Obama election showdown will result in record voter turnout, perhaps nearing 75-80% of all registered voters. The forecast is for long lines at the polls. Do you plan to give employees time-off to vote?

If so, are you prepared for the process to take two or three hours? How about longer? Consider the following:

- No federal law requires granting employees leave to vote in national elections.
- State laws vary. In North Carolina and South Carolina, for example, there is no law requiring employers to give time away from work to vote. In Georgia, if an employee starts work two hours after polls open, or ends work two hours before polls close, the employer need not provide additional leave.
- Confirm whether or not you have included leave-to-vote as a term in a collective bargaining agreement, or have adopted such a policy in your employee handbook. You might already be obligated to let employees off work to vote, if you have made that promise.
- If you do provide time-off, remember your rights as an employer. Employers may:
 - Schedule absences to fit the Company's needs for continued operations;
 - Establish that time-off to vote is unpaid;
 - Require employees to make up the time outside their regular work hours; and
 - Insist that employees show proof of having voted before treating the time-off as excused.

Finally, employers can minimize Election Day attendance problems by encouraging employees to use their non-work time between now and November 4 to Vote Early!

TIP

As a good corporate citizen, consider whether you can allow employees time off from work in order to vote. Recognize that employers have the authority to maintain proper scheduling and smooth business operations, making it easier to manage the resulting disruptions to the work day.



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