

CLIENT ALERT: State Law May Require Time Off for Employees to Vote

With the election approaching, employers are reminded that state law may require employers allow employees time off to vote. Although federal law does not require companies to provide time off from work to vote, many states have laws addressing an employer's responsibility to provide for voting time leave.

For instance, Section 178 of Chapter 149 of the Massachusetts General Laws provides that employees in manufacturing, mechanical or mercantile establishments who are eligible to vote are entitled to a leave to vote during the period two hours after the polls open. The law does not specify whether the leave is paid or unpaid. In all other industries, if polls are open two or three hours prior to an employee's regular work hours, the employer is not required to provide time off to vote. Employers may require employees to request time off in advance. As a practical matter, because most polls in Massachusetts are open at 7:00 a.m., such leave may be unnecessary.

Employers should contact their MBJ attorney with questions concerning the voting leave requirements in any particular jurisdiction.

Jeffrey S. Siegel is a partner at Morgan, Brown & Joy, LLP. He may be reached at (617) 523-6666 or at jsiegel@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

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