

Service

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Election Day is Tomorrow: Know Your Voting Leave Requirements

Navigating the statutes governing voting leave rights should be top of mind for all employers. The following is a synopsis of relevant statutes in Husch Blackwell markets:

ARIZONA

Arizona law provides employees three consecutive hours to vote prior to or after their scheduled work shift. If employees require time off of work at the beginning or end of their shift to allow three consecutive nonworking hours to vote, employers are required to grant the time off as PAID leave, provided that the employee requests the leave before Election Day. The polls in Arizona are open from 6 a.m. to 7 p.m., so an employee who is scheduled to work from 8 a.m. to 5 p.m. would be entitled to one hour of paid voting leave at the start or end of his/her shift. An employee whose shift begins after 9 a.m. or ends by 4 p.m. is not entitled to any voting leave.

COLORADO

Colorado employees are allowed two hours of PAID voting leave if requested in advance of Election Day. Employers may designate when the leave takes place during the employee's shift, but must grant the leave time at the beginning or end of the work shift if the employee so chooses. Employees who already have three or more consecutive hours off of work while the polls are open are not entitled to voting leave. In Colorado, the polls are open from 7 a.m. to 7 p.m., so an employee whose shift begins after 10 a.m. or ends by 4 p.m. is not entitled to any voting leave.

ILLINOIS

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Illinois employers must grant employees up to two hours of PAID voting leave to allow employees time to vote, unless the employee already has two consecutive hours available for voting prior to or after his/her scheduled shift. Employees must request to use voting leave prior to Election Day. Employers may designate when the voting leave takes place during the employee's shift. The polls in Illinois are open from 6 a.m. to 7 p.m., so an employee whose shift begins after 8 a.m. or ends by 5 p.m. is not eligible for voting leave.

KANSAS

Kansas employers must grant employees up to two hours of PAID voting leave to allow employees time to vote, unless the employee already has two consecutive hours available for voting prior to or after their scheduled shift. Employers may choose when the leave takes place during the workday, but may not include the employee's regular lunch period as part of the voting leave. The polls in Kansas are open from 7 a.m. to 7 p.m.. For an employee who is scheduled to work from 8:30 a.m. to 6 p.m., the employer could choose to grant a half hour of paid voting leave at the beginning of the employee's shift, an hour of paid voting leave at the end of the employee's shift, or two consecutive hours of paid voting leave at some point in the middle of the employee's shift so long as those two hours do not include the employee's regular lunch break period. An employee whose shift begins after 9 a.m. or ends by 5 p.m. is not eligible for voting leave.

MISSOURI

Missouri employees are entitled to three hours of PAID voting leave unless the polls are open for three consecutive hours before or after an employee's shift. Employers may designate when during the employee's shift the voting leave takes place. Employees must request voting leave in advance of Election Day. The polls in Missouri are open from 6 a.m. to 7 p.m., so an employee whose shift begins after 9 a.m. or ends by 4 p.m. is not eligible for voting leave.

NEBRASKA

Nebraska employers must grant employees up to two hours of PAID voting leave to allow employees time to vote, unless the employee already has two consecutive hours available for voting prior to or after his/her scheduled shift. Employees' requests for voting leave may occur prior to or on Election Day. Employers may designate when the voting leave takes place during the employee's shift. In Nebraska, the polls are open from 7 a.m. to 7 p.m. in the Mountain Time Zone (MT) and 8 a.m. to 8 p.m. in the Central Time Zone (CT), so an employee scheduled to work from 8 a.m. to 6 p.m. MT would be entitled to one hour of paid voting leave at the start or end of his/her shift. An employee whose shift begins after 9 a.m. MT/10 a.m. CT or ends by 5 p.m. MT/6 p.m. CT is not eligible for

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voting leave.

TENNESSEE

Tennessee employees who do not otherwise have three consecutive hours to vote before or after their scheduled shift, are entitled to a “reasonable period” of PAID time off (up to three hours) to vote. Employers may designate when the voting leave occurs during the workday. Employees are required to request voting leave by 12:00 p.m. (noon) of the day before Election Day. Polling place hours vary by county in Tennessee.

TEXAS

Texas employees are entitled to PAID voting leave to allow them to vote if they do not otherwise have two consecutive hours to vote before or after their scheduled shift. The polls in Texas are open from 7 a.m. to 7 p.m., so an employee whose shift begins after 9 a.m. or ends by 5 p.m. is not eligible for voting leave.

WISCONSIN

Wisconsin employees are entitled to three consecutive hours of UNPAID voting leave while the polls are open to vote, provided they request the time off in advance of Election Day. Employers may choose when the leave occurs during the day. In Wisconsin, the polls are open from 7 a.m. to 8 p.m.

ALL EMPLOYERS

- Follow your state and local laws
- Do not deny time off to vote
- Do not retaliate against an employee requesting/taking time off to vote
- Do not count absences due to voting against the employee’s attendance record

For more detailed analysis or questions regarding your particular circumstances around employee leave or accommodation issues, including voting leave laws for any other states, please contact Erik Eisenmann or Robert Sanders or any other Labor and Employment attorney at Husch Blackwell.

Unless otherwise stated, all times are local times.