

RESPONSIBILITIES AND RIGHTS REGARDING TIME OFF FOR EMPLOYEES TO VOTE: WHAT EVERY EMPLOYER NEEDS TO KNOW?



The Election Day is at last upon us and it is important for employers and employees to understand what they must do to exercise their voting rights and yet not transgress workplace laws and lose out on wages or face legal suits alleging that workplace restrictions prevented them from voting. Although most states have their own specific laws, these rules are perhaps similar to rules that govern both the employees and the employers, yet those affected will do well to seek specific information and follow them to avoid problems later on. The law firmly prohibits employers from imposing their thoughts and views that will influence a worker's decision to vote for a particular candidate or convince him to desist from voting. This does not mean that the employer is not entitled to voice his political beliefs, but they must not cross the line or be seen as intimidating or forcing an employee to his side of the opinion. Rules prohibit employers from preventing employees from voting and not providing them with a "reasonable amount of time to vote." What then is "reasonable time" that the employer must provide. The law does not explain what definite time is nor does it specify how much time the employee can take off from work. Some states, however, stipulate that the employer must give then employee up to 2 hours time off to vote. It is for the employer, given the significance of the matter, to make workplace policies that provide for employees to vote during non-working hours or to designate time during which an employee can go and vote or, if the employee desires a different time slot, how and when can he apply for his desired voting time? It is important that the employee tell the management that he intends to vote and that he needs time off. The employer will then allow him the two hours, plus any additional time that may be needed for traveling to and from the polling station. Moreover, the employer must take into account any unavoidable rush the employee may face at the polling station. Time-off can be sought by only those employees whose timings clash with the scheduled voting timings. For example in Oklahoma the rule is that if the worker's shift begins 3 hours after the poll opens and ends 3 hours before the poll closes, then he is not entitled to seek time off for voting. What most employers want to know is that do they have to pay their workers for the time they away from work, in voting. Most states mandate that salaried employees must be paid for the time they take off for voting but hourly, commissioned or piecework employees need not be paid, unless the employer desires to do so. However, it would be in the larger interests of the employers to seek legal opinion, so that they do not transgress or violate the Fair Labor Standards Act. The employer may not accede to demands for specific time slots to avoid too many employees missing from the workplace at the same time and employees cannot insist on any particular time slot and it should be done on the basis of mutual convenience to cause as little disturbance as possible. Employers can insist on proof of voting, but he cannot be selective and demand this of a few employees whilst accepting the words of others, or he could face discrimination issues. However, it would be fair for an employer to have a consistent policy, of knowing that the time-off he has given has been utilized for the purpose for which it was meant.

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