

PERSONNEL SERVICES BULLETINS (PSBs)

440-3

Subject: Time Allowance for Voting

Supersedes: Personnel Services Bulletin 440-3 dated May 9, 2019

Source: New York State Election Law, Section 3-110 as amended by L 2019, Ch. 55 (S. 1505-C)

Date: October 18, 2019

I. Policy

Section 3-110 of the New York State Election Law establishes the conditions under which registered voters are authorized to take paid time off from work to vote on the day of an election. Under this law, an employee shall be allowed, without loss of pay for up to three hours and without charge to leave accruals, to take off so much working time as will enable the employee to vote at any election.

Time off to vote applies to the following federal, state or municipal elections: general elections, special elections and primary elections. Time off to vote is not available for school or library elections, and is not available for early voting.

While a period of up to three hours of leave with pay is available for covered elections, not every employee's circumstances will require a full three hours of time off to vote. Factors that will affect how much time off to vote an employee requires include, but are not limited to, the employee's work schedule and the distance between the employee's worksite or residence and polling place.

Unless otherwise mutually agreed, the employee shall be allowed time off only at the beginning or end of his or her working shift, as the agency may designate. An employee must charge any time off to vote that exceeds three hours to his or her annual leave or compensatory time balance.

II. Procedure

Every agency shall conspicuously post on a continuous basis a notice in the place of work, where it can be seen as employees come or go to their place of work, setting forth the provisions of Section 3-110 of the New York State Election Law. Agencies should confirm that this notice is posted at least ten working days in advance of every citywide federal, state or municipal election.

If an employee requires working time off to vote, the employee must notify the agency head, or the designated representative of the agency head, by completing and

submitting Form HC-0021 not less than two working days before the day that the employee requires time off to vote, setting forth the amount of work time he or she requires to vote. Agencies can engage employees who request leave in an effort to clarify the amount of time that will enable the employee to vote in light of the employee's circumstances and agency operations. However, agencies cannot deny time off from work simply because an employee might have time before or after regular work hours, or because early voting was available.

Lisette Camilo
Commissioner

Attachment: [Voting Leave Request Form](#)

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