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Know Your Employees' Voting Leave Rights

As Election Day approaches, and we all anxiously await the retirement of political advertisements for another season, it is important to be aware of employees' rights to participate in the voting process. Alabama law does provide employees with an opportunity to vote and serve as elections officials.

The Alabama Legislature passed a law in 2006 that requires Alabama employers to give employees "sufficient time off" to vote. It caps the amount of time off required at one hour. Employees must also give sufficient advance notice and be registered and qualified to vote in the election. Further, if the voting polls are open at least two hours before the employee's shift starts or one hour after the shift ends, then no leave is required.

Employers are given the discretion to schedule the leave during the day. § 17-1-5, *Code of Alabama, 1975*.



Moreover, an employee that is a precinct election official is entitled to take the day off without pay to perform election duties. This leave can be unpaid, but the employer cannot count the time off against an employee's vacation, sick, or other type of accrued leave. The employee is required to give the employer at least seven days advance notice of the need for this leave and furnish evidence of the appointment as an election official. However, employers with 25 or fewer employees do not have to provide this leave. § 17-8-13, *Code of Alabama, 1975*.

Any questions regarding handling employees' voting leave, creating voting leave policies for your organization, or other employee leave questions may be directed to Tom Scroggins at (205) 633-0227.

This newsletter is intended an advertisement and should not be construed as providing legal advice or legal opinions on any specific fact situation. Readers are urged to consult their own legal advisors concerning any specific legal questions involving the issues discussed.

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