S T A T E O F N E W Y O R K

4996

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing the "time off for democracy act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known as the "time off for democracy act."

S 2. Legislative findings and purpose. The legislature hereby finds and declares that:

1. Thousands of citizens are not participating in elections because job requirements keep them from the polls.

2. Broad participation in elections is essential to a healthy democracy.

3. In order to make it possible for more citizens to participate in elections, the state needs to clearly establish the rights of citizens to take time off to participate in elections.

The purpose of this law is to encourage greater citizen participation in the democratic process.

S 3. The labor law is amended by adding a new article 32 to read as follows:

ARTICLE 32

TIME OFF FOR DEMOCRACY ACT

SECTION 930. TIME OFF ON ELECTION DAY.
931. NOTICE TO EMPLOYEES.
932. ENFORCEMENT.

S 930. TIME OFF ON ELECTION DAY. 1. ON THE DAY OF A FEDERAL, STATE OR LOCAL ELECTION, AN EMPLOYEE ELIGIBLE TO VOTE IN THAT ELECTION IS ENTITLED TO TAKE UP TO TWO HOURS OFF WORK, WITHOUT LOSS OF PAY, IN ORDER TO VOTE. THE EMPLOYER MAY LIMIT SUCH TIME OFF TO THE HOURS AT THE BEGINNING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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OR END OF THE WORKDAY, AND MAY REQUIRE THE EMPLOYEE TO PRODUCE SOME PROOF OF VOTING IN ORDER TO RECEIVE PAY FOR THAT TIME OFF.

2. AFTER GIVING AT LEAST SEVEN DAYS NOTICE TO AN EMPLOYER, AN EMPLOYEE SHALL BE ENTITLED TO TAKE OFF WORK FOR THE ENTIRE DAY, WITHOUT PAY, ON THE DAY OF A FEDERAL, STATE OR LOCAL ELECTION IN ORDER TO SERVE AS AN ELECTION OFFICER OR POLL WATCHER, OR TO CAMPAIGN FOR ANY CANDIDATE OR BALLOT MEASURE.

3. NO EMPLOYER SHALL REFUSE AN EMPLOYEE THE RIGHT TO TAKE TIME OFF ON ELECTION DAY PURSUANT TO THIS SECTION, OR DISCHARGE OR THREATEN TO DISCHARGE AN EMPLOYEE OR SUBJECT AN EMPLOYEE TO A PENALTY, BECAUSE THE EMPLOYEE TRIES TO EXERCISE OR ENFORCE THIS RIGHT.

S 931. NOTICE TO EMPLOYEES. DURING THE FOURTEEN DAY PERIOD BEFORE EVERY STATEWIDE ELECTION, EVERY EMPLOYER SHALL KEEP POSTED CONSPICUOUSLY AT THE PLACE OF WORK, IF PRACTICABLE, OR ELSEWHERE WHERE IT CAN BE SEEN AS EMPLOYEES COME OR GO TO THEIR PLACE OF WORK, A NOTICE SETTING FORTH EMPLOYEES' RIGHTS UNDER THIS ARTICLE TO TAKE TIME OFF ON ELECTION DAY.

S 932. ENFORCEMENT. 1. THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO ENFORCE THIS ARTICLE.

2. AN AGGRIEVED EMPLOYEE MAY FILE AN ACTION WITH A COURT OF COMPETENT JURISDICTION IN ORDER TO ENFORCE THE EMPLOYEE'S RIGHTS UNDER THIS ARTICLE.

S 4. This act shall take effect July 1, 2010.