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**EMPLOYMENT LAW  
BULLETIN**

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## Election Day 2012 – Time Off To Vote

As election day approaches, employers may be asking themselves what their obligations are with regard to permitting employees to take time off to vote, and whether employees must be paid for such time off.

Under California law, if an employee does not have sufficient time outside of working hours to vote, the employee is entitled to take up to a maximum of two hours' time off from work without loss of pay. The time off must be at the beginning or end of the employee's regular shift, whichever allows the employee the most free time for voting and the least time off from the regular working shift, unless the employer and the employee agree otherwise.

In the event that an employee knows or has reason to know as of the third day prior to the day of the election that time off will be necessary to be able to vote on election day, the employee is required to provide the employer with at least two working days' notice that time off for voting is needed.

In addition, California law requires that all employers post the above election provisions conspicuously in the workplace not less than ten days prior to every statewide election. As election day approaches, employers should check to ensure that they are in compliance with California's posting requirements. The following is an exemplar notice which complies with the California Elections Code:

### Time off to vote

- Polls are open from 7:00 a.m. to 8:00 p.m. each Election Day. If you are scheduled to be at work during that time, California law allows you to take up to two hours off to vote, without losing any pay.
- You may take as much time as you need to vote, but only two hours of that time will be paid.
- Your time off for voting can be only at the beginning or end of your regular work shift, unless you make another arrangement with your employer.
- If you think you will need time off to vote, you must notify your employer at least two working days prior to the election.

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