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California Employers' Obligations Ahead of Election Day 2020

With Election Day, Tuesday, November 3, 2020, right around the corner, many California employers may be wondering if obligations under the California Election Code remain the same despite a work from home environment and expanded options for voting, such as early voting and vote-by-mail options.

California employers must still provide employees time off to vote, time to serve as an election official, and post voting requirements—here is what you need to know:

- Employees must be allowed to take up to two hours of time off to vote without a loss of pay, provided they do not have sufficient time outside of their regular working hours to vote.
- California employers must post voting leave requirements by Saturday, October 24, in a location that is clearly visible to all employees. This may include an email to employees telecommuting due to the pandemic.
- Employees who wish to serve as election officials must be provided the full day to serve, but employers are not required to pay them for the time away.

Taking Time Off to Vote

California Election Code section 14000 states:

- Employees must be allowed to take up to two hours of time off to vote **without a loss of pay**, provided they do not have sufficient time outside of their regular working hours to vote.
- Generally, the extra time must be used by the employee at the beginning or end of their regular shift. An employee who requests extra time should discuss when to take their time off to allow the most time for the employee to vote and the least disruption of the regular working shift. That said, the employer and employee can agree to extend a meal break during the middle of the day to allow for voting if that happens to work best for both parties.

- Employees must provide at least two days' prior notice to their employer of the need for time off.

Employer Posting Requirements

California Election Code section 14001 requires:

California employers to post voting leave requirements in a visible place for employees to view at least 10 days before every statewide election. That is Saturday, October 24, 2020. The notice can be downloaded and printed for free from the [California Secretary of State website by clicking here](#). Due to the COVID-19 Pandemic, consider emailing the information to telecommuting employees.

Employees Serving as Election Officials

Employees who serve as election officials must be provided the full day to serve, but employers are not required to pay them for the time away. California Election Code section 12312 states that employees may serve as election officials on Election Day without being disciplined because of their absence.

Keep these rules in mind as Election Day draws near and reach out to AlvaradoSmith's employment law attorneys if you have any further questions or assistance on compliance with local or federal laws addressing elections and voting.

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