



*October 19, 2004*

### **Employers Should Ensure Compliance With Election Requirements**

With the presidential election right around the corner, California employers must be prepared to comply with California's posting and time off to vote requirements, set forth in Elections Code sections 14000 and 14001 (see below).

#### **§ 14001. Employers' notice; posting**

**Not less than 10 days 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 the provisions of Section 14000**. (Stats. 1994, c. 920 (S.B. 1547), § 2.)

#### **§ 14000. Employees' time off to vote**

(a) If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, **without loss of pay**, take off enough working time that, when added to the voting time available outside of working hours, will enable the voter to vote.

(b) No more than two hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.

(c) If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer **at least two working days' notice** that time off for voting is desired, in accordance with this section. (Stats. 1994, c. 920 (S.B. 1547), § 2.)

For more information on this issue, please contact a member of the Labor and Employment Practice Group in one of our offices.

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