

## AN EMPLOYEE'S RIGHT TO TAKE TIME OFF TO VOTE – An Employer's Guide



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By: John R. LaBar



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With Election Day looming on November 6, 2018, many employers may be wondering how to treat employees who wish to take time off to vote. While there is no Federal Law on the topic, Tennessee has a law that governs an employer's duties as to an employee who wishes to take time off to vote. Tennessee Code Annotated Section 2-1-106 governs an employee's absence from work with respect to voting. This section allows any person entitled to vote in a Tennessee election to be absent from any service or employment on the day of the election for a reasonable period of time necessary to vote, not to exceed Three (3) hours, during the time the polls are open in the county where the employee is a resident. If an employee's shift begins Three (3) or more hours after the opening of the polls or ends Three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off pursuant to this section. An employee who is absent from work to vote in compliance with this section may not be subjected to any penalty or a reduction in pay by an employer for such absence.

The key for employers and their human resource managers is to be aware of this law and to have a policy in place for each employee to notify their employer of an employee's request to be absent from work in order to vote. In turn, the employer may specify the hours during which the employee may be absent.



*This publication is a service to our clients and friends. It is designed to give only general information on the topic covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.*



John R. LaBar is a named member of Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C. His practice includes assisting employers in all aspects of labor and employment law matters. He has served as an Adjunct Professor of Law at the University of Tennessee College of Law, is a frequent author in legal newsletters, and is often a speaker and acts as faculty for legal education seminars on employment law topics.