

INSIGHTS + NEWS

Client Alert: Employers: Get Out the Vote!

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On Tuesday, November 6, 2018, registered Massachusetts voters have the opportunity to elect candidates for state and federal office and decide statewide ballot questions. While early voting has already begun, there is still ample time to prepare your workplace and ensure compliance with applicable laws and to consider other ways to make it easier for your employees to get to the polls.

Massachusetts law requires very little of employers when it comes to elections:

INFLUENCING EMPLOYEE VOTES PROHIBITED

Employers may not threaten adverse employment action (such as termination or lower pay) nor promise more favorable employment terms or conditions (e.g. promotion, higher wages) to influence employee votes or political contributions. Similarly, employers may not take any employment action to reward or retaliate against an employee based upon the way (s)he voted or the campaign contributions (s)he made.

LIMITED EMPLOYEE VOTING LEAVE UPON REQUEST

Upon an employee's request, employers with "manufacturing, mechanical, or mercantile establishments" **must excuse the employee's absence** (for purposes of voting) during the two hours after the polls open in the voting precinct, ward or town in which the employee is entitled to vote. Employers do not need to pay for this time off, and may request proof that the employee used the time off to vote. Because polls in Massachusetts must open at 7 a.m., the law has no practical application for employees whose workday begins at or after 9 a.m.

Although these legal requirements are minimal, it is worth recognizing that the Massachusetts voting leave law has not been revised in over a century, and that many good reasons exist to provide employees with more than the bare minimum of flexibility on Election Day. Among other things, encouraging employees to exercise their right to vote lets them know that you respect them as contributing members of the larger community (which, incidentally, has been shown to **increase employee engagement**) and also demonstrates socially responsible concern for your community.

Of course, many employers already allow for more flexibility than Massachusetts law requires. It is good practice to familiarize yourself with the contents of your organization's policy, and to circulate an email reminder to employees (who may otherwise feel they cannot afford to take the time off to vote or feel deterred from asking) to remind them of the policy, whether you will provide additional flexibility, and to remind employees to put the date in their calendars so they do not forget to vote. Employers without any policy in place may wish to consider implementing one now, and those with policies that are unduly strict may wish to consider revising those policies to make it easier for their employees to vote. Don't forget to vote on November 6!