

DC Paid Voting Leave Law Funded in Time for Election Day

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Quick Hit: As we [previously reported](#), earlier this year District of Columbia enacted the [Leave to Vote Amendment Act of 2020](#) (the “Act”) which grants all D.C. employees two hours of paid leave to vote in person. Although the Act was signed into law on April 27, 2020, its enactment was subject to the measure receiving funding under the fiscal 2021 budget and finance plan. Proskauer has received confirmation from a member of staff at the D.C. Council confirming that ***the Act was funded in the fiscal 2021 budget and became effective as of October 1, 2020.***

More Detail: Upon an employee’s request, an employer will be required to provide the employee at least two hours of paid leave to vote in person in any public election in the District. Employees ineligible to vote in D.C. will also be eligible to receive two hours of paid leave to vote in person in any election run by the jurisdiction in which the employee is eligible to vote (for instance, Virginia or Maryland).

The new law broadly defines “employee” to include all employees eligible to vote and covers every “employer” (though the law is silent on its extraterritorial application). Employers can require that employees requesting time off to vote provide notice a reasonable length of time in advance, and does not address the amount or form of notice required. Similar to other paid voting leave laws, the D.C. law will permit employers to specify the hours during which an employee may take voting leave, including taking leave during an early voting period instead of on the actual day of the election.

Employers are prohibited from: (1) deducting from an employee’s salary, wages or accrued leave for paid voting leave; (2) interfering with, restraining or denying any attempt to take paid voting leave; and (3) retaliating against an employee for taking paid voting leave. In addition, the law will provide students a two-hour excused absence to vote in person.

The law provides that employers will be required to post a notice in a conspicuous place that includes an easily understood description of the new law, which will be developed by the D.C. Board of Elections. The D.C. Board of Elections will also be issuing regulations interpreting the law. As of the writing of this post, however, the D.C. Board of Elections has yet to publish such notice or regulations.

Key Takeaway: Employers in D.C. should review their existing voting leave policies to ensure compliance with the Act.

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- **Guy Brenner**
Partner