

Featured Professionals

Bridget R. Penick

Related ServicesEmployment, Labor &
Benefits

Time Off to Vote in Iowa

Legal Update

10.27.2016

By Bridget R. Penick

With the November 8 general election looming, employers should be reminded of Iowa's voting right statute, Iowa Code § 49.109. Polls in Iowa will be open from 7 a.m. to 9 p.m. statewide on November 8. If an employee works 9 a.m. to 5 p.m. or some variation of the traditional 40 hour work week, they should have a three-hour window of time to vote before or after their regular shift, and no time off need be granted.

However, Iowa law provides that if the polls are not open three consecutive hours outside the employee's regular shift, the employee is entitled to paid time off in an amount, that when added to the employee's non-working time, totals three consecutive hours while the polls are open. If an employee works 7 a.m. to 7 p.m., for example, an employee is entitled to request time off to vote. Application by an employee for such absence shall be made individually and in writing prior to the date of the election (the statute does not specify how far in advance is permissible).

Upon receipt of such a request, the employer shall designate the period of time taken. For example, the employer could allow the employee to leave work an hour early so that she can have a full three hours (6 p.m. to 9 p.m.) in which to vote, but may tell another employee he may arrive to work at 10 a.m. so he has three hours before work in which to vote. The employer may not penalize the employee for this time off or make any deduction from the employee's usual salary or wages.

Nothing in the statute prohibits an employer from adjusting employees' hours on Election Day to ensure each employee has a three-hour consecutive window before or after work in which to vote. If that is the case, the employer may be able to avoid providing paid time off to vote. Be mindful, though, that a collective bargaining agreement or other contract that dictates hours of work may limit an employer's ability to adjust work hours.

If you need assistance or have other questions related to your obligations as an employer, please contact us.