Exempt Schools from Paid Time Off During Elections

S.5314 (Mayer)/A.7837 (Benedetto)

The Council supports this legislation which would amend the paid time off law during elections so that public and nonpublic schools would not have to provide three hours of paid time off for employees to vote, unless the employee does not have four consecutive hours to vote before or after the workday.

Prior to the enactment of the 2019-20 state budget, all employers were required to grant up to two hours of paid time off to vote if the employees did not meet the aforementioned four-hour threshold. However, the budget bill altered this law by increasing the paid time off hours to three hours and eliminating the exemption. We had no position on the increasing hours but opposed elimination of the exemption.

Schools must be in session for 180 days with a minimum of 900 hours of instructional time for the elementary grades and 990 hours for secondary grades. With schools already struggling to meet these requirements due to desires in some communities to recognize more cultural and religious holidays, as well as extreme weather events, this new law worsens the situation.

In effect, if large numbers of educators avail themselves of this law, schools will be forced to close, or pay significant sums of money to substitutes, thereby wasting taxpayer dollars and depriving students of their regular classroom teacher.

In November of 2019, a few school districts saw north of 40% of staff leave school during business hours to vote. Fortunately, students were not directly impacted because most schools use this day for professional development. However, educators and other staff that were scheduled for professional development chose to miss valuable educational opportunities to vote during the school day instead of early voting or voting before or after work.

Unfortunately, we have two more election days to contend with this school year, the April presidential primary, and the June primary. More ominous is the June primary day which falls on a Regents exam day. If if educators, bus drivers or other staff utilize the voting entitlement en masse, schools will face impossible logistical challenges and significant additional staffing costs in order to educate their students. This result should be unacceptable.

In many areas of the state which are dealing with teacher substitute shortages, the only option will be to close. Furthermore, if only a few bus drivers take advantage of this leave law, schools would also be shuttered as finding replacement bus drivers is more challenging than finding substitute teachers. Parents are used to having to alter their day on a moment’s notice because of a snow day, but if they learn that a school closed because of the paid time off law, the blowback on schools could be significant.

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Nothing in the memorandum should be construed as superintendents not supporting the right of teachers and others to vote. However, after the legislature has made rapid improvements to our antiquated voter participation laws by enacting early voting, extended primary voting hours, and pre-registration for 16 and 17-year old individuals, this paid time off law adds significant costs with probably little impact on increased voter participation.

The reality is the vast majority of school employees already have ample time to vote, particularly after the work-day, and schools should not have to alter their schedule or pay substitute costs to provide them with more time. In the rare circumstance that an employee does not have four consecutive hours to vote, then that employee would still maintain the right to up to three-hours of paid time off.

*The Council strongly supports this legislation and urges its approval.*