Exempt Schools from Paid Time Off During Elections
S.5314 (Mayer)

The Council supports this legislation which would amend the paid time off law during elections such that employees of public and nonpublic schools would not have to provide three hours of paid time off during any election 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 community desires to recognize more cultural and religious holidays, as well as extreme weather events, this new law worsens the situation.

While superintendents at-large were pleased with the results of this year’s state budget for public schools, particularly on the policy front, this paid time off law is causing significant concern. We know large number of districts are altering or reassessing their 2019-20 school calendars to adjust for the impacts from this law.

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 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.

It should also be noted that this law applies to any election. This includes special state elections, primary elections, and general election day. Particularly troubling for June of 2020, is that primary day will encompass state and federal primaries on the same day driving added voter engagement for those days, and it falls on a Regents’ Exam day. It is very difficult to understand how schools are supposed to run major examinations while also ensuring sufficient staff is on-site when all employees are eligible for nearly a half-day off.

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.*