

Labor & Employment Law Alert: Legislation in the New York State Budget that Impacts Employers

On April 12, 2019, Governor Cuomo signed the FY 2020 New York State budget, which contains legislative amendments affecting both public and private sector employers. First, the legislation amends Section 209-a of the New York State Civil Service Law (“Taylor Law”), making it an improper practice for a public employer to disclose the home address, personal telephone number, personal cell phone number and/or personal e-mail address of any public employee, except where disclosure is mandated by the Taylor Law or when otherwise required by law. Section 208 of the Taylor Law is also amended to require, unless otherwise addressed in a collective bargaining agreement, that public employers provide unions with the name, address, job title, employing agency or department or other operating unit and work location of all employees of a bargaining unit, upon the union’s request. However, unions cannot request this information on more than a quarterly basis. These changes to the Taylor Law took effect April 12, 2019 and appear to be aimed at protecting public sector unions from certain “right-to-work” advocacy groups who encourage union members to withdraw from their unions.

Second, effective immediately, the State Election Law is amended to allow all public and private sector employees up to three hours of paid time off in which to vote regardless of whether there are four hours or more between the opening of polls and the start of their shift, or between the end of their shift and the closing of polls, which was the prior standard for election leave. Employees are now only required to provide employers with two working days’ notice of such a request, but employers may determine whether paid time off to vote occurs at the beginning or the end of a shift. Employers are encouraged to revise their policies concerning voting leave to ensure compliance with these changes.

These changes to the Election Law leave some questions unanswered, such as whether an employer can require proof that an employee truly used the requested time off to vote. Additionally, the law does not address whether paid time off to vote can be charged against employees’ leave accruals, although the better view of that is “no.” As employers navigate these issues, our firm’s labor and employment attorneys listed below stand by to assist.

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