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TIME OFF TO VOTE – An Employer’s Guide (T.C.A. § 2-1-106)



Because most polling stations are now open for up to Twelve (12) hours on election days and because of the rise in popularity in early and absentee voting, many employers may try to limit an employee’s time off to vote. However, outside of the benefit to employee relations generated by allowing such time off and the overall benefit of their employee’s being involved in the political process, Tennessee has a law that governs an employer’s duties as to an employee who wishes to take time off to vote.

Tennessee Code Annotated Section 2-1-106 governs an employee’s absence from work with respect to voting. This section sets forth the following guidelines:

- 1) First, this section allows any person entitled to vote in a Tennessee election to be absent from any service or employment on the day of the election for a reasonable period of time necessary to vote, not to exceed Three (3) hours, during the time the polls are open in the county where the employee is a resident.
- 2) An employee who is absent from work to vote in compliance with this section may not be subjected to any penalty or a reduction in pay by an employer for such absence.
- 3) If an employee’s shift begins Three (3) or more hours after the opening of the polls or ends Three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section.

The key for employers and their human resource managers is to be aware of this law and to have a policy in place for each employee to notify the company of an employee’s request to be absent from work in order to vote. In turn, the employer may specify the hours during which the employee may be absent.

If you wish to discuss employment or any business related issues with respect to your company, Henry & McCord would be happy to provide such advice. You may contact John R. LaBar at (931) 455-9301 to schedule an appointment.



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