

2018 Midterm Elections, Health Care

Making Sure Patients Win During the Midterms: Health Care Employers' Voting Leave and Related Obligations
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Article

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Managing and administering employee illnesses, vacation, and car troubles in a compliant manner make it challenging to ensure adequate patient care and operational coverage on the average day. This year's Midterm Election Day (Tuesday, November 6) may add extra compliance challenges and administrative burdens to an already understaffed and overworked industry such as health care. Myriad questions arise as political ads and discussions circulate the waiting room ad nauseam: Are employees entitled to miss work to vote? If so, is there a limit? Is there a wage and hour implication—must employees be paid for the time they use to vote? What if the polling line is long and employees need several hours to cast their ballot? Are all employees eligible to take time off on Election Day? Do employees need to provide notice that they plan to take voting leave? Are there other requirements, such as required notice or postings to employees? What about other requirements for employees, such as demonstrating that they are eligible to vote and that they actually voted, as some states require? For all of these questions, what jurisdictions are implicated? What penalties, if any, apply if an employer fails to comply? And finally, what other legal considerations should be top of mind for health care employers during election season, such as leave for employees serving as "election officials," state-specific lawful off-duty conduct laws, and employer regulation and discipline of employees' social media in the current political climate? Health care employers must remember to keep these considerations in mind as we enter another election season.

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