State of Wisconsin

DOA - DIVISION OF PERSONNEL MANAGEMENT

- CLASSIFICATION AND COMPENSATION BULLETIN –

Date: August 20, 2020	**Subject: REPLACEMENT BULLETIN:**
Locator No. DPM-0531-CC/PP	Pay for Employees Serving as Election Officials

This is a re-issue and replacement of policy bulletin DPM-0477-CC/PP (last released August 22, 2018) on Pay for Employees Serving as Election Officials. The bulletin includes updated references to the current State of Wisconsin Compensation Plan and WLEA Contract.

The purpose of this bulletin is to provide information regarding pay for employees serving as election officials. This bulletin covers all nonrepresented state employees, without exception. Information on pay for election officials who are represented employees is provided under II. below. Section ER 18.18, Wis. Adm. Code states "**Paid leave to serve as an election official.** As provided in s. 7.33, Wis. Stats., an appointing authority shall grant leave without loss of pay to a state employee who serves as an election official."

I. Service as an Election Official under s. 7.33, Wis. Stats., provides that:

A. Employees appointed as election officials serve a two-year term with a three term maximum. Service during the full two-year term is mandatory, although exemptions may be granted by the municipal clerk.

B. As provided in C., below, employees appointed as election officials must be granted a leave of absence for the entire 24-hour period of each election day (for both primary and general elections) in which the employee is serving as an election official. Employees serving as election officials must provide at least seven calendar days' notice of the need for leave. Appointments as election officials will be verified by the municipal clerk upon request of the agency.

C. With proper notice (i.e., at least seven calendar days), each state agency must permit employees to serve as election officials without loss of pay and without loss of benefits for the employees' scheduled hours of work during the 24-hour period of each applicable election day, subject to D., below.

   Note: See II., below, for information on pay for represented employees serving as election officials. Employee schedules may be changed to accommodate such requests as long as notice or other conditions for making schedule changes are met.

D. Each employee who receives pay under C., above, must certify in writing to the agency the amount of compensation the employee receives for service as an election official. The agency must deduct that amount from the employee's pay earned for scheduled work hours during the 24-hour period of the applicable election day.

II.   Represented Employees Serving as Election Officials

    A.   Information provided under I.A. through D., above, applies to represented employees *unless* provisions covering employees serving as election officials are included in the applicable collective bargaining agreement.

    B.   Only the WLEA contract includes provisions covering employees working as election officials. The WLEA contract language is as follows:

UNION	ARTICLE	ELECTION OFFICIAL LANGUAGE 2017-2019 COLLECTIVE BARGAINING AGREEMENT
WLEA	12/12/2	Employees who are appointed as Election Officials for public elections under the authority of the municipal clerk may serve without loss of pay for scheduled work hours on a public primary or general election day. Employees must submit to the supervisor a written request to be absent to serve as an Election Official at least seven (7) calendar days in advance of the election and must provide written verification from the municipal clerk of their appointment as an Election Official. Any employee who is approved to be absent to serve as an Election Official shall provide the Employer with written proof of the amount of compensation that he/she receives as an Election Official. The employee may elect to receive his/her state pay OR the pay he/she receives for being an Election Official. If state pay is selected, the amount of pay for being an Election Official shall be deducted from the state pay. Management reserves the right to limit the number of employees approved for leave on any given election day, based on operational needs.

Note: Please consult the WLEA collective bargaining agreement upon receipt of a request from a covered employee to work as an election official because contract language related to a represented employee serving as an election official may be added to or modified in successor agreements.

III.   Frequently Asked Questions Regarding Application of s. 7.33, Wis. Stats.

Ql.   An employee stated s/he "volunteered" at the polls on election day. Is s/he eligible for the time without loss of pay and benefits, pursuant to s. 7.33(4), Wis. Stats.?

Any individual who works at the polls on election day must be appointed as an election official by the respective municipality. An individual not appointed as an election official prior to an election day may be deputized to serve as an election official at the polls on election day. Employees who claim to have "volunteered" at the polls should clarify what duties were performed. If they actually worked the polls, they were appointed as an election official. Agencies may request verification of such appointments from the applicable municipal clerk.

Employees who "volunteer" to conduct activities at the polling place such as exit polls, handing out campaign literature, etc., are *not* covered by s. 7.33(4), Wis. Stats., and, consequently, are not eligible for the time without loss of pay and benefits.

Q2.   An employee stated s/he was appointed and served as an election official but was not appointed to a two-year term. Is s/he covered?

As long as the individual was appointed to serve as an election official for an election, s/he is eligible for time without loss of pay and benefits for the time spent working at the polls.

Q3.   When do the two-year appointments expire?

All two-year terms expire after the November election. Individuals who were appointed as election officials will complete the current two-year term and will then need to reapply to serve as an election official for the next two-year term

Q4.   An employee claimed time worked at the polls, but did not provide notice. Is the agency obligated to provide time without loss of pay and benefits?

The statute requires that an employee who serves as an election official must provide the employer with at least seven calendar days' notice of the need for leave. Therefore, time off without loss of pay may be disallowed if the employee does not provide proper notice. However, DPM recommends that in such situations pay not be denied unless staffing levels will be adversely affected by the absence.

Q5.   What is the agency's obligation when it receives notice from an employee that s/he will serve as an election official?

Upon receipt of proper notice that an employee requires leave to serve as an election official, the agency should verify with the appropriate municipality that the employee has been or will be appointed as an election official. Once the appointment is verified, the employee must be granted the time off in accordance with s. 7.33(4), Wis. Stats., or the applicable collective bargaining agreement. If this verification does not take place before

the election at which the employee worked, it should be done prior to granting pay for the time worked at the polls.

Q6. Are agencies required to recoup pay the employee received from the municipality for working as an election official?

If paid, the employee must certify to the agency the amount received and that amount will be deducted from the employee's pay for that clay. This does not apply if the employee is paid only for hours worked as an election official that fall outside her/his regularly scheduled hours on that day *or* if the employee used her/his own paid leave (excluding sick leave) to work as an election official on election day.

Q7. An employee stated s/he "volunteered" and was not paid to serve as an election official. Can this be verified?

At the time the employee's appointment as an election official is verified, the agency can also confirm whether or not the employee will be paid for her/his time by the municipality. Normally, election officials are paid by the municipality.

Q8. Are LTEs eligible for paid time off to work as election officials?

Yes, LTEs are eligible for paid time off to work as election officials. According to the 2019-2021 Compensation Plan, Section D, 4.03, "Pursuant to s. 7.33, Wis. Stats., LTEs must be given paid time off for scheduled work hours during the entire 24-hour period of each election day if required to work as election officials on that date."

Q9. Arc there any circumstances under which an employee's request for time off to serve as an election official may be denied?
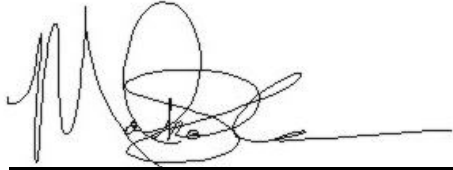
As long as proper notice is provided and the appointment is verified, all employees appointed to serve as election officials must be granted the time off without loss of pay and benefits, or as otherwise provided in the applicable collective bargaining agreement.

Q10. Is training for election officials covered under the statute?

Unless the training is held during the 24-hour period of the election day, it is *not* covered under the statute and employees do not have to be released without loss of pay and benefits to attend.

For informational purposes: In past elections where training was covered, it was due to temporary interchange agreements entered into with municipalities. Such interchange agreements do not currently exist. If interchange agreements are entered into in the near future, it is possible that training will once again be covered under those agreements, at which point agency human resources directors will be notified.

Questions regarding this bulletin may be directed to the Bureau of Classification and Compensation at DOADPMCompEmploymentRelGenI@wisconsin.gov.

Malika S. Evanco, Administrator
Division of Personnel Management