



COUNTY OF INYO

ELECTION WORKER POLICY

I. PURPOSE

This policy sets forth the process for selecting precinct workers and election workers, and how precinct workers and election workers will be paid in accordance with applicable laws and regulations, including the Fair Labor Standards Act (FLSA) and requirements of the Internal Revenue Service, as well as Inyo County policies when applicable. This policy also recites the manner in which County employees may serve as precinct workers and election workers.

This policy clarifies and supersedes the County Employee Election Worker Program memorandum dated March 20, 2014.

II. BACKGROUND

State law requires that *precinct workers* receive a stipend for services provided on election day (Elections Code Section 12310).

State law permits, but does not require, the County to provide stipends to volunteers, including those who volunteer as *election workers* before or after the day of an election (*pre or post-election workers*).

III. POLICY/PROCEDURE

A. Selection of Precinct Workers/Election Workers

Any person who desires to volunteer as a precinct worker or a pre or post-election worker must complete the attached precinct worker/election worker application (hereinafter referred to as “application”). Selection of volunteer precinct workers and volunteer pre or post-election workers is within the sole discretion of the Inyo County Clerk-Recorder and Registrar of Voters or their designee.



B. Adherence to Inyo County Volunteer Policy

Individuals who choose to volunteer as a precinct worker or a pre or post-election worker will be subject to provisions of the Inyo County Volunteer Policy in addition to this Policy.

C. Precinct Worker and Election Worker Stipends

The Inyo County Board of Supervisors is responsible for establishing the amount of stipends paid to precinct workers, and any stipends that may be paid to election workers under this Policy.

D. Payment of Stipends

The Inyo County Auditor-Controller is responsible for issuing all precinct worker and election worker stipends in a manner consistent with this policy, state and federal law, and IRS requirements.

E. Non-County Employee Precinct Workers and Election Workers

1. Individuals who are not employed by the County of Inyo, who volunteer and are selected as a pre or post-election worker, must complete a W-4 form as part of their application if there is a possibility they will be paid over \$599 in stipends by the County of Inyo in a calendar year. Individuals who do not complete a W-4 form will have the total amount of stipends they receive from the County of Inyo limited to \$599 in a calendar year per paragraph 2 below.
2. The total amount of stipends paid to an individual who is not employed by the County of Inyo, who volunteers and is selected as a precinct worker, and who does not complete a W-4 form from the first day of service, is limited to \$599 per calendar year. Individuals who do not complete a W-4 will receive their stipend in the form of a check with no taxes withheld.
3. Individuals who volunteer as a precinct worker or a pre or post-election worker who are not employed by the County of Inyo but who receive a payroll check that the County of Inyo processes on behalf of another public entity (e.g., a volunteer fire department stipend) are hereby apprised that they will have their precinct worker/election worker stipend incorporated into their regular payroll



check processed by the Inyo County Auditor-Controller and applicable taxes will be withheld.

F. Inyo County Employee Precinct Workers and Election Workers

Employees of the County of Inyo may serve as a precinct worker or a pre or post-election worker by either: (1) requesting and taking compensatory time-off (or accrued leave other than sick leave) and volunteering; or (2) requesting assignment through their supervisor and department head, to assist in elections activities, either during normal work hours or as part of a modified work schedule.

1. County Employees Volunteering As Precinct Workers and Election Workers

Any County employee may volunteer to serve as a precinct worker or a pre or post-election worker except for employees who are employed by the County to perform the “same type of services” as those of precinct workers or a pre or post-election workers. The County determines the job classifications that perform the “same type of services” as those of precinct workers or pre or post-election workers, that are therefore ineligible to volunteer to serve a precinct worker or a pre or post-election worker and ineligible to receive the associated stipend. (A list of those classifications is set forth below.) This is because the law prohibits employees from volunteering to perform the same type of services for a public agency as those they are paid to perform by that agency (29 CFR Section 533.101(c)). The agency must pay employees who “volunteer” to perform services of the same type for which they are employed in accordance the same salary and benefits as they would normally receive for performing the work, including overtime. Employees who are not eligible to volunteer to serve a precinct worker or a pre or post-election worker may still participate in the elections process as described below in Paragraph 2 below but are not eligible for the volunteer stipend.

County positions that perform the “same type of services” as those of precinct workers or pre or post-election workers include:

- Office Clerk



- Office Technician I-III
- Administrative Secretary I-III
- Legal Secretary I-III

In order to receive a stipend, eligible County employees (those that do not perform the same type of services) volunteering to serve as a precinct worker or a pre or post-election worker during regular work hours must (1) complete the attached application; and (2) take compensatory time-off (or accrued leave other than sick leave) with the pre-approval of their supervisor. The supervisor's approval for the employee's compensatory time-off (or accrued leave) must be indicated by the employee's supervisor's signature on the application.

County employees may also volunteer to serve as a precinct worker or a pre- or post-election worker outside of their regular work hours (and without using compensatory time-off or accrued leave) by completing the attached application. Except for those County employees who perform the "same type services" and are therefore ineligible to volunteer as a precinct worker or a pre or post-election worker, County employees volunteering to serve as a precinct worker or a pre or post-election worker outside of their regular work hours do not need the pre-approval of their supervisor.

Employees of the County of Inyo who volunteer and are selected as a precinct worker or a pre or post-election worker in accordance with this section will have their precinct worker/election worker stipend incorporated into their regular payroll check processed by the Inyo County Auditor-Controller and applicable taxes will be withheld.

2. County Employees Requesting Assignment As Precinct Workers and Election Workers

Any County employees may be assigned, or request assignment through their supervisor and department head, to assist in elections activities; either during normal work hours or as part of a modified work schedule.

County employees who request assignment as a precinct worker or a pre or post-election worker must complete the application and have it approved



by their department head. Employees requesting assignment must indicate on their application whether they will be working outside of their regularly scheduled hours and, if so, whether they expect the additional time worked to be compensated as overtime pay, compensatory time-off, or through a flexed work schedule.

Employees of the County of Inyo who request assignment as a precinct worker or a pre or post-election worker in accordance with this section will be compensated at their applicable pay schedule, in accordance with FSLA requirements, and any overtime or comp time will be awarded as indicated by their department head's pre-approval as on the application.

G. Assigning County Employees As Precinct Workers and Election Workers

A department head or the County Administrator may assign a County employee to assist in elections activities. When such assignments are made, the department head or CAO will consider input from the Inyo County Clerk-Recorder & Registrar of Voters, and neither the employee nor their supervisor will be required to complete an application. Any non-exempt employees assigned to work on election activities section will be compensated at their applicable pay schedule, in accordance with FSLA requirements and County Personnel Rules and MOU requirements. Exempt employees assigned to work on elections activities will not be compensated beyond their regular salary.

IV. RESPONSIBLE DEPARTMENTS

Inyo County Clerk-Recorder & Registrar of Voters

Inyo County Auditor-Controller

Inyo County Personnel Office

V. REFERENCES

Attachments: Application