



**Request for City Council Committee Action
From the Department of the City Clerk**

Date: June 28, 2007

To: Elections Committee

Subject: Election Department Employment Practices

Recommendation: Adopt a resolution authorizing Election Judge pay to be set administratively each year and approved by the City Council as part of the City of Minneapolis budget.

Prepared and Presented

in Committee By: Cynthia Reichert, Director of Elections, 673-2073

Reviewed By: Lisa Needham, Assistant City Attorney
Carol Rogers, Human Resource Generalist

Financial Impact (Check those that apply)

Minimal financial impact - This action does not directly affect the budget

Background Information:

Election Judge salaries are currently set by Charter at 40% above prevailing state minimum wage unless Council specifies a different amount. This action would authorize staff to recommend a pay amount to be incorporated into the City Clerk budget for adoption by Council each year as part of the budget process.

Section I of the attached report informs Council of improvements made to the seasonal employee hiring practices of the Election Department.

Section II discusses Election Judge pay rates and requests action by the City Council to authorize pay rates to be set as part of the budget planning process each year.

Section III contains the recommended action.

Election Department Employment Practices Report to the Elections Committee

Prepared by Cynthia Reichert, Director of Elections

I. Creation of Administrative Policy

The performance of Precinct Election Judges is one of the most important components in the delivery of a successful election. Their actions directly affect voters, can determine the outcome of an election and no doubt influence public perception of election integrity. In recent years public scrutiny of the election process has grown resulting in a focus on increased accountability in the polling place. Rule and law changes coupled with the introduction of new technology place additional burdens on our judges. Changing demographics also bring new challenges.

To keep pace with this expanding role, the State of Minnesota recently passed into statute expanded requirements for training of election officials and election judges. No amount of training, however, can compensate for a judge who does not exhibit good judgment or sufficient skill in delivering service to our voters.

The Minneapolis Election Department has followed a traditional path for recruitment and selection of our judges. General information is available on the website and most new recruits come to us as a result of a conversation with a friend who may serve as a judge. Voters are often curious about the role of election judge and contact our office for more information.

Our focus in placing judges has been to find the right number of judges for each precinct and on maintaining party balance (currently required by statute). Though quality of service and evaluation of individual performance has always been important, there has been no systematic approach for managing the quality or skills of our election judges.

The lack of clear administrative policy has resulted in a focus on bodies rather than skill levels and inconsistent application of employment law and city policy. We have developed a culture where we often cater to individual needs rather than apply consistent practices. To remedy the situation, we have created the Election Department Seasonal Employee Hiring Procedures (attached as Attachment 1). Standardization and codification of our policies will reduce confusion during our busiest season, improve our legal defensibility, and allow for the creation of more logically organized management tools.

The administrative policy we have developed incorporates standard personnel management practices and clarifies areas where rules and procedures have been applied inconsistently. This is intended to be a "living" document that can be revised and modified as necessary to reflect changing times and needs. The policy, which pertains to all temporary election staff, consists of three sections:

1. Recruitment, Selection and Evaluation
2. Training
3. Pay and Benefits

Job descriptions, training requirements and salary information for specific positions are also included.

During our next phase of recruitment we plan to focus on hiring more bi-lingual election judges. We will also be referring to performance evaluations completed in 2006. The evaluations will help identify outstanding judges who should be trained to take on additional responsibility, and will also identify persons that should no longer serve.

We believe this structured program will benefit the city by ensuring precinct personnel are performing to a standard that enhances the quality of our electoral process.

II. Pay Practices

City Charter Chapter 2 Section 6, states, "the compensation of election judges shall be forty (40) percent greater than the prevailing minimum wage as defined by state law unless the City Council sets a different rate." This blanket rate does not recognize different roles and levels of responsibility of our election judges. The current rate of \$8.61/hour is substantially lower than the rate paid to judges in other jurisdictions.

Since the charter provision was passed in 2000, the department has developed a series of special pay types to be applied to different activities. Though the charter specified rate has been used to compensate judges on election day, different pay rates have been established for other activities such as training, supply pick-up, and conducting the public accuracy test.

In all a total of twenty-one pay types with thirty-two corresponding pay rates have been created to recognize differences in activities, duties and skill levels. As a result, a single Election Judge may receive compensation based on several different pay rates during the same election season. Payroll administration is cumbersome, difficult and not transparent. Design of a computer system to process election judge payroll has been challenging and it is not at all unusual to find numerous errors in paychecks.

We are proposing to eliminate the multitude of pay types and simplify our system so that each judge is paid at an hourly rate commensurate with the duties they perform and in line with comparable metropolitan jurisdictions. This will result in a reduction in the number of pay types and associated pay amounts to just six (See Attachment 2). Corresponding modifications to the computer system we use to manage judges (EMS) will result in a much simpler and more accurate payroll process.

Standard industry practice is to set Election Judge pay based upon a review of duties performed and examination of pay rates in comparable jurisdictions. Each year surveys of election judge pay are conducted, discussed between jurisdictions and compared to resources. A comparison of Election Judge pay rates from metropolitan jurisdictions with a population over 40,000 is included as Attachment 3 to this document. The rates shown for Minneapolis are the staff recommendation for 2008 pay rates. This rate was arrived at by determining the amount earned by a judge in each position under the current system, and calculating a new hourly rate which would provide a comparable level of compensation while staying within allocated budget amounts.

III. Recommended Action

Because our Charter specifies that the rate of pay will remain at 40% above minimum wage “unless council sets a different rate,” we are proposing that Council adopt a resolution authorizing staff to recommend election judge pay for each subsequent year as part of the budget planning process.

Passage of the resolution will provide for a more deliberate process, bring current practices into compliance with the Charter, and pave the way for the re-design of our payroll system.

Attachments:

1. Election Department Seasonal Employee Hiring Procedures
2. Comparison of Pay Types - Election Management System (EMS)
3. Election Judge Salary Survey - Metro Cities Over 40,000 Population
4. Resolution

ELECTION DEPARTMENT SEASONAL EMPLOYEE HIRING PROCEDURES

1.0 Job Characteristics

- 1.1 **Election Worker.** Individual employed to perform services for state and local governments in connection with national, state, or local elections. Meets definition of Election Worker as defined in Social Security Administration Rules. Earns less than \$1300 per year as an Election Worker. Paid through the City's Accounts Payable System as Independent Contractor. (IRS Revenue Ruling 2000-6 and MN Section 218 Agreement)
- 1.2 **Permit Worker.** Individual employed to perform services of an administrative nature, often works directly with voters. Paid through the City's Payroll System as City Employee. All provisions related to employment with the City of Minneapolis apply.
- 1.3 **Number of Positions.** The number of Election Workers and Permit Workers hired each year are based upon projections of voter turnout and other factors specific to each individual election year.
- 1.4 **Data Privacy.** Information provided to the City by applicants or employees may be used by the City for a variety of purposes under human resources rules or as required by law. Data collected on employees are classified as either public or private. "Public" means that it is available to anyone who asks to see it. "Private" means that the data is only available to the person the information is about, staff who must see it in the normal course of conducting City business, and as otherwise provided for by law. The following data that the City collects about employees is public: name, job history, education and training, work availability, and work location. All other data is considered private. (M.S. Chapter 13)
- 1.5 **Hiring Criteria.** All election personnel must complete an application for employment and are placed based upon criteria established by MN Statute and contained in this policy document. Where the applicant's information is insufficient to determine if they are qualified to serve, a follow up interview will be conducted by phone or in person. If the applicant's qualifications need further assessment a skills test may be administered. (M.S. Chapter 204B)
- 1.6 **Performance Evaluation.** Performance evaluations are completed following each election cycle. Continued placement is dependent upon satisfactory performance review following each election cycle.
- 1.7 **Party Affiliation (Precinct Judges).** There are several election duties that must be performed by two judges of different political parties. Statute also requires that no more than half of the election judges assigned in a precinct may be members of the same political party. MN law defines member as an individual who supports the general principles of that party's constitution; voted for the majority of that party's candidates in the last general election, or; intends to vote for a majority of that party's candidates in the next general election. (M.S. 204B.19, Subd. 5)

- 1.8 Election Judge Oath.** Despite the statutory requirement for political party affiliation, all persons working in the polling place and with voters are required to act in a completely impartial and non-partisan manner. Persons in violation of this provision are subject to disciplinary measures up to and including immediate dismissal. All persons working with voters are required by statute to affirm and adhere to the following oath:

I solemnly swear that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit, and abuse in conducting this election. I will perform my duties in a fair and impartial manner and not attempt to create an advantage for my party or my candidate. (M.S. 204B.24.)

2.0 Training

- 2.1 Statutory Requirements.** All Election Workers and Permit Workers will receive the statutorily required minimum number of training hours. Basic Training will include curriculum identified in the statute. (M.S. 204B.25; M.R. 8240.)
- 2.2 Emergency Training.** MN statute identifies training requirements for Election Judges hired to fill an immediate need on election day. In that event, emergency training will be provided at each polling place by the Head Election Judge. Persons receiving emergency training at the polls must attend a regular election judge training class before working at a subsequent election. (M.R. 8240)
- 2.3 Supplemental Training.** Each year employee groups will receive focused training pertinent to their specific job duties and other areas as identified by the Elections Director.
- 2.4 Annual Training Plan.** An annual training plan will be prepared each year by the Election Director and Election Specialist identifying special needs and circumstances pertinent to that year's election.

3.0 Pay and Benefits

- 3.1 Time Off From Work.** Election Judges may take time off from work to be an election judge. If requested, an employer's certification form will be prepared for the Election Judge which must be provided to the judge's regular employer at least 20 days prior to the election. An employer can reduce the judge's salary by the amount the judge is paid by the City for performing the duties of an Election Judge. An employer can also restrict the number of persons serving to less than 20 percent from any single work site. (M.S. 204B.195)
- 3.2 Pay Rates.** Election Judge pay is based upon City Charter Chapter 2 Section 6 and comparison of pay rates to judges in comparable Minnesota jurisdictions. Election Judge pay is approved each year by the City Council as part of the Elections Division budget.

- 3.3 Volunteer Service as an Election Judge.** Election Judges may volunteer their time by submitting a written statement no later than 10 days prior to each election. (M.S. 204B.31)
- 3.4 Social Security Withholding.** The Federal Insurance Contributions Act (FICA) tax exclusion for election officials and election workers is \$1,300 for the calendar year beginning January 1, 2006, under the State of Minnesota's Section 218 Agreement. Under that agreement Minnesota has excluded from coverage election workers paid less than the threshold amount mandated by law. Therefore, Social Security and Medicare taxes do not apply until the election worker is paid \$1,300 or more.
- 3.5 Employment Tax Withholdings – Election Workers.** The requirements for information reporting applicable to election workers whose compensation is not subject to FICA tax are found under section 6041(a) of the US Tax Code. Reporting by the employer is not required for election workers earning less than \$600 annually. (Rev. Rul. 88–36 modified).
- 3.6 Worker's Compensation Status.** All election workers are covered under the City of Minneapolis Worker's Compensation policy.
- 3.7 Mileage Reimbursement.** Employees required to use their personal car for the conduct of election related business will be eligible for reimbursement of mileage at the federally authorized rate. Mileage reimbursement does not apply to transportation between an employee's residence and their assigned work place.
- 3.8 Phone Allowance.** For each primary and general election, a phone allowance of \$10 will be paid to one individual from each of the City's designated polling places as payment for use of their personal cell phone for communications throughout the day.

**Comparison of Pay Types
Election Management System (EMS)**

CURRENT SYSTEM

Pay Type	Duty	Default Rate	Default Hours	Premium Pay	Drive Pay	Helper Rate
1	Judge	\$8.61			\$10.86	\$8.61
2	Chair	\$8.61		\$30.00	\$10.86	\$8.61
3	Co-Chair	\$8.61		\$30.00	\$10.86	\$8.61
4	Misc Judge Support	\$8.61				
5	Precinct Support Judge	\$14.32				
6	Health Care	\$14.32				
7	Office Worker	\$14.32				
8	Election Worker	\$11.32				
9	Judge Training			\$21.72		
10	Student	\$6.15				
11	PSJ Training	\$14.32				
12	Chair Training			\$30.00		
13	PA Test Judge			\$20.00		
14	Special Training			\$14.33		
15	EJ Misc Pay	\$8.61				
16	Office - Write Ins	\$8.61				
17	Recap Meeting	\$8.61	2	\$2.50		
18	Stand-By Judge	\$8.61			\$10.86	\$8.61
19	Door Guard	\$8.61				
20	Contract Worker	\$16.40				
21	AutoMARK Judge	\$8.61		\$15.00	\$10.86	\$8.61

PROPOSED SYSTEM

Pay Type	Title	Hourly Rate
1	Precinct Support Judge	\$ 15.00
2	Chair (Head) Judge	\$ 10.50
3	Assistant Chair Judge	\$ 9.50
4	Election Judge	\$ 8.75
5	Student Election Judge	\$ 7.00
6	Health Care Judge	\$ 15.00

Election Judge Salary Survey*
Metropolitan Cities Over 40,000 Population

City	Population	Year	Head Judge	Election Judge
St. Paul	287,151	2008	\$ 12.00	\$ 10.00
Maple Grove	50,365	2006	\$ 11.50	\$ 9.50
Woodbury	46,463	2008	\$ 11.00	\$ 9.00
Plymouth	65,894	2006	\$ 11.00	\$ 9.00
Eden Prairie	60,955	2006	\$ 11.00	\$ 9.00
Bloomington	85,172	2006	\$ 10.75	\$ 9.50
Mpls (proposed)	382,618	2008	\$ 10.50	\$ 8.75
Blaine	44,942	2008	\$ 10.50	\$ 9.50
Brooklyn Park	67,388	2006	\$ 10.00	\$ 8.00
Edina	47,425	2006	\$ 10.00	\$ 9.00
Burnsville	60,220	2006	\$ 10.00	\$ 9.00
Lakeville	43,128	2006	\$ 10.00	\$ 9.00
St. Louis Park	44,126	2006	\$ 9.75	\$ 8.25
Minnetonka	51,301	2006	\$ 9.25	\$ 8.25
Eagan	63,557	2008	\$ 9.00	\$ 8.00
Apple Valley	45,527	2006	\$ 9.00	\$ 8.05

Note: Year indicates whether rates are the rates used in 2006 or proposed for 2008

* Conducted April 2007

**RESOLUTION
OF THE
CITY OF MINNEAPOLIS**

By Council Member _____

Adopting a Process for Setting Election Judge Pay

Whereas, City Charter Chapter 2 Section 6, states, “the compensation of election judges shall be forty (40) percent greater than the prevailing minimum wage as defined by state law unless the City Council sets a different rate;” and

Whereas, this single rate of pay does not recognize different roles and levels of responsibility of election judges; and

Whereas, The Election Department has recommended a process be undertaken each year to align rates of pay for election judges with those of comparable jurisdictions and budget projections; and

Whereas, the City Council believes a deliberate process which incorporates sound budget planning reflects the most responsible management of the city’s election judges;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That election judge pay be considered each year as part of the budget planning process of the City Clerk’s Office and that levels of pay provided for service as an election judge be set administratively by the City Clerk’s Office and approved by the City Council each year with the approval of the City of Minneapolis budget.

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