County of San Diego

DEPARTMENT OF HUMAN RESOURCES

LABOR RELATIONS DIVISION

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LETTER OF UNDERSTANDING BETWEEN THE COUNTY OF SAN DIEGO AND THE DISTRICT ATTORNEY INVESTIGATORS ASSOCIATION (DI & DM UNITS)

EMPLOYEE POLL WORKER PROGRAM

I. This attests to and records the agreement of the parties to the County's creation and implementation of the Employee Poll Worker Program as set forth in this Letter of Understanding. The establishment and implementation of this new program is contingent upon approval and adoption of an ordinance by the Board of Supervisors. We are proposing to have this matter before the Board of Supervisors to amend the Compensation Ordinance on October 7, 2003 for its consideration regarding those recognized bargaining units who are in agreement with this program. The tentative operative date of the program will be October 31, 2003.

II. Any regular County employee, other than employees assigned to the Registrar of Voters, may apply for paid leave from County employment to serve as a volunteer poll worker while receiving their regular wages in a polling place in San Diego County through the "Employee Poll Worker Program" when Election Day falls within the employee's regularly scheduled work day.

III. Employees selected to serve as voluntary Poll Workers will be paid a stipend of $60, $80 or $100 as an incentive to serve in this capacity. Employees paid at the $80, or $100 stipend level will be required to attend a training class estimated to be approximately two (2) hours in length. If a County employee chooses to serve in a capacity requiring the attendance at a training class, the employee will not receive regular pay for any absence during which he/she is present at the training class. However, the employee may apply for unpaid leave, vacation leave, or compensatory time off. Alternately he/she may elect to attend a training class conducted at a time that does not fall within the employee's work schedule.

IV. Subject to the discretion of his/her appointing authority to grant or deny the employee's request to participate in the Employee Poll Worker Program based on the needs of the service, a regular employee is qualified for approval as follows:

a. The employee has successfully applied for and has been selected and found qualified by the San Diego County Registrar of Voters to serve as a voluntary poll worker;

b. The employee has made a request to his/her appointing authority for an absence from County employment for the employee's entire regularly scheduled work hours on Election Day to serve as a volunteer poll worker in San Diego County;

c. On Election Day, the employee has fully executed his/her responsibilities as a poll worker and reported to his/her assigned polling place at the designated time, performed all the duties appointed by the County Elections official and as required by applicable state and federal elections laws, and remained on duty until the poll was properly closed and secured and until released by the County elections official.

d. As a volunteer, the employee is entitled to receive the normal stipend paid by the Registrar of Voters to all volunteer poll workers: $60, $80 or $100 based on the assignment. The stipend shall not be counted in any computation of the total wages or compensation paid the employee by his or her regular employment with the County.

V. Any regular County employee who qualifies and is approved for the Employee Poll Worker Program will receive his/her regular pay while on paid leave from County employment for one (1) regularly scheduled workday that falls on the day of the election. Such employees will not be eligible for overtime as they are excepted from such compensation eligibility by the Fair Labor Standards Act (FLSA) because the work is voluntary, occasional and sporadic, and in a different capacity from their regular job classification.

FOR THE COUNTY OF SAN DIEGO:

Michael T. Kolb

MICHAEL T. KOLB
Labor Relations Manager

Date: August 26, 2003

FOR THE DISTRICT ATTORNEY INVESTIGATORS ASSOCIATION (DI & DM UNITS):

~~DAVID SWIM~~ JOHN HANEY SDAIA PRESIDENT

Date: 9/2/03