



George Deukmejian, Governor

TO: PERSONNEL MANAGEMENT LIAISONS

REFERENCE CODE: MM 90-06
EFFECTIVE DATE: Ongoing
EXPIRATION DATE: Indefinite
DATE OF ISSUE: October 1, 1990

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

PERSONNEL OFFICERS
EMPLOYEE RELATIONS OFFICERS

SUBJECT: Time Off for Voting on Election Days

In some cases, State employees may be granted paid time off to vote in the forthcoming statewide election. This provision is governed by California Election Code Sections 14350 and 14351:

Section 14350. Employees' time off to vote

If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time which when added to the voting time available outside of working hours will enable the voter to vote.

No more than two hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.

If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with the provisions of this section.

Section 14351. Employers' notice: posting

Not less than 10 days before every statewide election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14350.

There are several factors concerning these provisions which all departments should particularly note:

1. Section 14351 requires that notices stating the provisions of Section 14350 be prominently posted at least 10 days before every statewide election.
2. Section 14350 requires that employees be given paid time off to vote only if the employee does not have sufficient time to vote outside of working hours. Since the polls are normally open from 7:00 a.m. to 8:00 p.m. in most cases, State employees will be able to vote outside of working hours and thus should not be given paid time off. It is only in special cases, such as when an employee is required to work overtime, the polls are open only for a limited time, or some other equally good reason, that State employees would need to be given paid time off to vote. Departments should realize, however, that when a good reason does exist, an employee is entitled by law to paid time off to vote.
3. Employees can be given as much time as needed to vote, but only a maximum of two hours is paid.
4. Time off to vote should be given at the beginning or end of a work shift.
5. Employees are normally required to give a department two days' notice if they want time off to vote.

It will be up to each department to meet the requirements of Election Code Sections 14350 and 14351 by posting the necessary notices and determining which, if any, employees need to have time off to vote.

If there are any questions regarding these laws or this memorandum, please contact Olivia Hawkins at (916) 324-0439, or ATSS 454-0439.



Robert K. Painter
Section Manager
Classification and Compensation Division