POLLING LEAVE GUIDELINES

Purpose:
The purpose of this guideline is to outline time off for employees who serve at polling places as officers of election and the applicable use of polling leave.

Scope:
This policy applies to all Albemarle County Local Government and Albemarle County Public School employees, including benefits-eligible regular employees, non-benefits-eligible regular employees, and temporary employees.

Guidelines:
Any employee who serves as an officer of election (defined under Virginia Code § 24.2-101) shall not have any adverse personnel action taken against him/her for such service provided. Employees are not required to use sick leave or vacation time to serve as an officer of election.

Employees must give reasonable notice to his/her supervisor when he/she needs to take time off to serve as an officer of election. Benefits-eligible employees must sign the polling leave use form (addendum) to show understanding and compliance with this policy.

Benefits-eligible employees who serve as an Election Official for any locality are eligible for Polling Leave. Serving as an election official can provide a unique learning and community service experience.

County employees are also eligible for any standard poll worker stipend that may be provided by your Electoral Board. Election Official or “officer of election” is defined under Virginia Code § 24.2-101.

All employees who wish to utilize polling leave must sign the polling leave form. The original must be sent to Human Resources for placement in your personnel file and a copy provided to your supervisor for reference.

Employees cannot be employed by an elected official, the Electoral Board, or General Registrar.

- Employees must provide reasonable notice to their supervisor.
- Both local government and school employees will be granted civil leave to perform poll work. They cannot be charged sick or vacation leave under Va. Code §24.2-118.1.
- Hours worked as a poll worker shall be considered employment as an “officer of election,” not hours worked in the employee’s primary employment with the County or School Board. Under Va. Code §24.2-122, officers of election are deemed to be employees of the county in which they serve.
- Hours worked as an officer of election shall not be counted as “hours worked” for purposes of overtime compensation.
- Officers of election should be paid in a manner that clearly reflects that they are being paid for employment separate from their regular employment. Tax reporting should also reflect that.
- Under Va. Code §24.2-118.1, employees must not be required to work any evening shift that begins at 5 p.m. or later on election day, or before 3 a.m. on the day following election day. This assumes that the employee has worked 4 or more hours as a poll worker, including travel time.
- In order to ensure that the Board of Supervisors and School Board will not incur any overtime compensation liability under the Fair Labor Standards Act, employees must not be required to volunteer. Under FLSA regulation 29 C.F.R §553.30, “the employee must be free to refuse to perform such work without sanction and without being required to explain or justify the decision.
Polling Leave Form for Election Official  
County of Albemarle Employees

Employees who serve as an Election Official for any locality are eligible for Polling Leave. Serving as an election official can provide a unique learning and community service experience. Eligible employees do not need to use personal leave or annual leave to serve as an election official at a polling place. County employees are also eligible for any standard poll worker stipend that may be provided by your Electoral Board. Election Official or “officer of election” is defined under Virginia Code § 24.2-101.

All employees who wish to utilize polling leave must sign this form. The original must be sent to Human Resources for placement in your personnel file and a copy provided to your supervisor for reference.

I, ______________________________, understand and agree that I am choosing to serve as an officer of election voluntarily. This work is infrequent and sporadic in nature. I further understand that officer of election appointments are made by my locality’s Electoral Board who are the sole judge of qualification and eligibility.

____________________________________  __________________________
SIGNATURE OF EMPLOYEE  DATE

You can volunteer as an election official with Albemarle County by contacting the Albemarle County Electoral Board at 434-296-5863 or visiting them at 401 McIntire Road Room 131 or 1600 5th Street in the Human Services Wing. Election Official appointments are made by the Albemarle County Electoral Board, which is the sole judge of qualification and eligibility.

Each Election Officer must be:
✓ a qualified voter of the Commonwealth of Virginia, and

An Election Official must not:
✓ hold any elective office, or
✓ be the deputy or employee of an elected official