

COMPENSATION FOR ELECTION STAFF

Louisiana – Election Day workers are paid overtime. They used to receive comp time, but have found a huge benefit in making this change, as the workers didn't have a chance to take the time off. Local Election Day officials get overtime.

West Virginia – Election Day is considered as a state holiday in WV. Those employees working receive "holiday pay" for the day that accounts for 7.5 hours. Hours worked on the day count in addition to the holiday pay, so a 37.5 hour work week will then also include pay for 7.5 hours on top of the regular hours worked. An employee does not get overtime until they work more than 40 hours a week, which would not include the holiday hours.

In short, for those hours worked on a holiday they would get paid twice for the overlapping holiday hours, but would not get overtime until their total hours actually working gets above 40.

Kentucky – In Federal Elections, our elections staff receives Comp time. From our experience, it hasn't been a problem.

Montana – Below is a section from our Holiday Pay Policy for the State of Montana. We follow this policy for our election staff who work on the holiday.

D. Work on a Holiday**1. Non-exempt employees:**

a. An employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who is required by management to work on a holiday or the day a holiday is observed shall be paid according to one of the two options outlined below at management's discretion. The employee may either:

i. Receive the regular rate for all hours actually worked on holiday, bank the holiday benefit hours actually worked (up to the maximum of eight) and receive equivalent time off at the regular rate, to be paid as outlined in c. below; or,

ii. Receive one and one-half times the regular rate for the hours actually worked on the holiday and receive holiday benefit hours paid at the regular rate.

b. Requests to take banked holidays must be made to and approved by an employee's supervisor. Management may deny the request if the state's interest requires the employee's attendance.

c. If a banked holiday for a year ending with the final pay period for the year is not taken by March 31 in the following year, the employing agency shall cash it out. The payment will be included in the pay period that includes March 31, by paying the employee's regular rate for each hour banked. Banked holiday benefit hours are cashed out as a lump-sum payment as supplemental income and taxed accordingly. Banked holiday hours recorded before December 31, 2010, are not affected by this policy.

d. Hours worked on a holiday may result in more than 40 hours in a pay status during the workweek. An employee may not receive both one-and-one-half-time pay and overtime pay for the hours worked on a holiday. The holiday benefit pay will be paid at the regular rate, whether banked or paid out.

2. Exempt employees:

a. An employee who is exempt from the FLSA and who works on a holiday or an observed holiday shall receive the holiday pay and book the hours worked on the holiday as exempt compensatory time.

b. Exempt employees may not bank holiday hours after December 31, 2010. Banked holiday hours recorded before December 31, 2010, are not affected by this policy.