HR/LR Policy #1401
Voting Leave and Other Election Topics
(Former PERSLs #1400 and #1401)

Effective Date 09/08/2008
Revised 03/10/2015
Issued
Revised
Authority

OVERVIEW

Objective
To clarify employee rights regarding:
- Paid leave time to vote;
- Serving as an election judge;
- Use of state computer systems for political activity;
- Political speech; and,
- Running for elected office.

Policy Statement
All state agencies must comply with provisions regarding election judge leave and voting time leave. State employees must comply with limitations on political activities.

Scope
This policy applies to employees of executive branch agencies and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers’ Retirement System.

Definitions
N/A

Exclusions
N/A

Statutory References
M.S. 200.02, Minnesota election law, definitions
M.S. 204B.195, Time off from work to serve as election judge
M.S. 204C.04, Employees; time off to vote
M.S. 43A.32, Political activities

GENERAL STANDARDS AND EXPECTATIONS

I. VOTING LEAVE TIME

Employees are entitled to paid leave time during regular work hours to vote in the following elections:
- General elections, as defined in M.S. 200.02, subd. 2, including elections at the city or county level, as well as state and federal level, in which public officials or presidential electors are on the ballot;
- Primary elections, as defined in M.S. 200.02, subd. 3;
- An election to fill a vacancy in the office of United States senator or United States representative; or
- An election to fill a vacancy in the office of state senator or state representative.

Voting leave time must be granted to employees who are eligible to vote, and is available on the day of the election for the time necessary to appear at the employee’s polling place, cast a ballot, and if time allows
GENERAL STANDARDS AND EXPECTATIONS

return to work (if not at the end of the work day). Voting leave time is for a reasonable period of time, considering voter turnout and commute time. Voting leave time may be scheduled throughout the work day. The employee must make prior arrangements for the absence with their immediate supervisor.

Employees wishing to vote in an election not specified in this policy may use other eligible paid or unpaid leave to do so, provided such leave is pre-arranged and approved by the employee’s supervisor. Minnesota Statutes section 204C.04 provides a general statutory reference regarding employee time off to vote, but the provisions of this policy are more generous than what is required under the law.

II. ELECTION JUDGE LEAVE

Minnesota Statutes section 204B.195, as well as state labor contracts and plans, allow employees to take time off of work for purposes of serving as an election judge. Employees are entitled to paid leave for this purpose, which includes leave for the date(s) of the election and leave for any training required of the election judge. Paid leave for election judge training purposes should include the training period, plus a reasonable commute period. The state will not offset the employee’s wages based on pay received as an election judge. Employees must provide at least 20 days’ notice of the need for such leave. A certificate of appointment as an election judge may be requested from the employee, as well as documentation of the time required for the training and the hours during which the employee will serve as an election judge.

III. USE OF STATE COMPUTER SYSTEMS FOR POLITICAL ACTIVITIES

Allowed:

- Encouraging employees to get out and vote.

Prohibited:

- Using the state’s computers and its computer system for political activities.
- Using state computer systems, email, or fax numbers to communicate politically partisan messages.
- Encouraging employees to vote for a particular candidate, platform or party.

IV. POLITICAL SPEECH

Government has the ability to regulate the speech of its employees within the workplace so long as there is no infringement on employees’ First Amendment rights to freedom of speech.

Allowed:

- Posting signs of a political nature out of areas of public access and/or public view.
- Posting political speech within their cubicle provided it is not in an area of public access or visible to the public. Employees sharing workspace should be respectful of the sensitivities of their co-workers with regard to any political speech that may be posted.
- Wearing buttons or pins containing a partisan message unless the employee’s agency otherwise regulates insignia that may be worn on a uniform, or when meeting with the public during the course of the employee’s responsibilities.

Prohibited:

- Using state-provided bulletin boards (either physical or electronic) to post political speech.
- Posting signs of a political nature in public access areas and/or public view.
V. POLITICAL ACTIVITIES OF STATE EMPLOYEES

An employee may be a candidate for public office, but may not campaign during work time, in state uniform or on state premises. Any state employee who has filed for an elected public office must request the opinion of Minnesota Management & Budget (MMB) to determine if the holding of that office conflicts with his/her regular state employment. Requests for an opinion must be in writing and submitted with a completed Political Activities Form to the Commissioner of Minnesota Management & Budget. For further details, refer to Administrative Procedure 32, and to M.S. 43A.32.

If other issues arise, or if you have questions about any of the issues included in this policy, contact your MMB Labor Relations Representative.

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