



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 September 10, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Cheryl Davila, Sophie Hahn, and Lori Droste

Subject: Voluntary Time Off on Statewide Election Days for City Employees

RECOMMENDATION

Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.

POLICY COMMITTEE RECOMMENDATION

On July 11, 2019, the Budget and Finance Committee adopted the following action: M/S/C (Droste/Davila) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

BACKGROUND

Under current election law, Election Day occurs on the Tuesday after the first Monday in November of each even-numbered year, with the corresponding Primary Day occurring on the Tuesday after the first Monday of March. Special Statewide Elections may generally be held on any Tuesday that is not after a State holiday, with the corresponding Special Primary Election generally occurring on the 9th Tuesday preceding the Special Election.¹ Special, Primary, and General Statewide Elections are not on the list of Federal, State, or City holidays. Since Statewide Elections fall on weekdays, getting to the polls can be difficult for people who have to attend school or work. The City of Berkeley has endorsed California Assembly Bill 177, which would make Election Day a State holiday. Sandusky, a small city in Ohio, recently made national headlines by switching Columbus Day (Indigenous People's Day in Berkeley) and Election Day as local holidays. Taking similar steps in Berkeley would make voting easier and more accessible for many City employees, and would reinforce the City's commitment to the importance of democracy.

In order to facilitate expanding voter participation and civic engagement, the City should designate any Statewide Election, including Primary and Special Statewide Elections, as VTO days. A VTO day already occurs in both March and November; this could be moved to the respective Primary and General Election Day, or an additional day could

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http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=10.&title=&part=6.&chapter=1.&article=

be added. Likewise with Special Elections; a VTO day could be moved to correspond with the election or an additional VTO day could be added.

Staff should begin any necessary meetings with union representation allowing enough time for the proposed changes to come into effect for the 2020 primary election on March 3, 2020.

State law requires that all employees be given up to 2 hours of paid leave time on Election Day to vote.² Making Election Day a VTO would not eliminate this option for employees. Those who choose to work on Election Day would still be able to take up to two hours of paid time to vote.

The topic of coordinating policy on holidays between the City of Berkeley and Berkeley Unified School District should also be referred to the 2x2 Committee for discussion. These discussions should occur separately from the City's process of designating Election Day and Primary Day as VTO days, and should include consideration of the future designation of Election Day as a paid holiday.

FINANCIAL IMPLICATIONS

Analysis from the Budget Office has estimated that each VTO day will save approximately \$31,142.³ If a VTO day is moved from a Friday to a Tuesday, the City may realize lower savings because fewer employees may elect to take a Tuesday off than a Friday. Therefore, there could be a likelihood of a slight decrease in the \$31,142 of current savings.

If an additional VTO day is added to cover the Tuesday of an Election Day, potential immediate savings are as high as the estimated and aforementioned \$31,142. This figure may be reduced, as previously discussed, if fewer employees opt to take off a Tuesday compared to a Friday. Further, VTO days generate the need for overtime in some departments, as work not done on VTO days must still be completed. Even with these considerations, an additional VTO day will still result in savings.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Rachel Alpert, Intern

² http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC§ionNum=14000.

³ http://www.ci.berkeley.ca.us/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_43_Voluntary_Time_Off_Program_for_FY_2020.aspx