

Date: November 16, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 2(B)(10)
December 12, 2023

From: Daniella Levine Cava 
Mayor

Subject: Report Containing Proposed Amendments to Implementing Order (IO) 4-76 – Directive
221086

Executive Summary

This report is in response to Resolution No. R-463-22 (Resolution), adopted by the Board of County Commissioners (Board) on May 5, 2022, and Co-Prime Sponsored by former Chairman Jose “Pepe” Diaz and Commissioner Raquel A. Regalado. The Resolution directed the County Mayor or County Mayor’s designee to prepare a report proposing an amendment to Implementing Order (IO) 4-76, to account for the transition to the newly established constitutional Supervisor of Elections’ (SOE) office. The amendment shall include provisions of continuing the policy of providing Miami-Dade County (County) employees to assist the SOE’s office as election workers and granting two days of administrative leave to County employees assisting upon the completion of all elections duties to be used within one year from the date of the election worked.

Background

On May 5, 2022, the Board held a Special Meeting to set County policy and to address the impact of Amendment 10 to the Florida Constitution approved during the 2018 General Election in Florida. Amendment 10 requires the creation of the constitutional office of the SOE, among other things.

IO 4-76 currently provides that County employees assisting the Miami-Dade Elections Department should be excused from their regular assignment to assist the Elections Department as poll workers and support personnel and receive two days of administrative leave upon completion of all election duties to be used within one year from the date of the election worked. Pursuant to R-463-22, the Board desires to allow County employees to continue serving in these roles commencing on January 7, 2025, with the establishment of the SOE’s office. Incorporating the recommended language, or language substantially similar, will affirm the County’s desire to continue its support of the SOE after the constitutional office is established and implemented (see **Attachment A**). Additionally, its implementation will place the County and the SOE in the best position to continue a seamless transition resulting in successful elections and a better experience for the voters of the County.

The proposed revisions to this IO only apply to County employees. The SOE will need to establish agreements with the other constitutional officers (i.e., Property Appraiser, Tax Collector, Clerk of the Courts, and Sheriff) to deploy their respective employees as poll workers. While the County strongly recommends that constitutional officers consider entering into these agreements to minimize the impact on the SOE, the ultimate decision lies with them, not the County. Lastly, given that the current structure for personnel compensation is an action of the Board that will transfer to the SOE, it is recommended to change the title of this IO from “Election Board and Support Personnel Compensation Schedule” to “Election Support and Personnel Compensation.”

It is recommended that the County continue the practice of encouraging County employees to help the SOE meet its staffing goals. Deviation from this practice may result in operational gaps within the SOE’s functions and potentially compromise the integrity of the democratic process in our County. Furthermore, such a shift away from assisting the SOE could potentially lead to negative fiscal implications for the County, given its role as the funding Board for the Supervisor of Elections and the likely need to significantly increase the use of temporary employment agencies to make up the difference.

Engaging County employees as poll workers has been our practice for many years. The employees who volunteer to sign up as poll workers do so because they find value in contributing to the democratic process and the greater good. As a poll worker, it is both community-oriented and civically engaging. Not only is their participation crucial to the fabric of our democracy but it is also helpful for the employees personally. Their participation provides them with supplemental income as well as administrative leave that they may use within a year from the election worked. Considering all of these factors, it is best that this symbiotic relationship between the County, its employees and the newly elected SOE continues.

This report will be placed on the next available Board agenda pursuant to Ordinance No. 14-65. Should you need further information, please contact David Clodfelter, Director of the Office of Management and Budget, at 305-375-5143.

Attachments

C: Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess M. McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
David Clodfelter, Director, Office of Management Budget
Christina White, Director, Elections Department
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, Commission Auditor
Basia Pruna, Director, Clerk of the Board
Eugene Love, Agenda Coordinator

Implementing Order



Implementing Order No.: 4-76

Title: ELECTIONS SUPPORT AND PERSONNEL COMPENSATION

Ordered: **Effective:** January 7, 2025

AUTHORITY:

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter.

SUPERSEDES:

This Implementing Order supersedes Implementing Order 4-76, ordered September 28, 2021 and effective October 1, 2021.

POLICY:

This Implementing Order establishes a policy for Miami-Dade County (County) employees to assist the constitutional Supervisor of Elections (SOE) office in elections.

RESPONSIBILITIES:

All County employees supporting the SOE's office are expected to comply with the SOE's office requirements, including attendance at applicable training sessions, and the issuance, acceptance and return of all equipment provided necessary to perform their respective elections-related job functions. They are responsible for the security of all equipment within their possession, and responsible for maintaining contact with (or, when applicable, reporting to) the SOE's Elections Central phone bank.

PAYMENT SCHEDULE FOR ELECTION-RELATED DUTIES:

The SOE office will have the sole authority to establish payment schedules for election related duties. Any supplemental compensation that County employees receive for assisting the SOE's office with elections, in addition to the payroll and administrative leave adjustments described below, shall be paid in accordance with payment schedules set forth by the SOE.

COUNTY EMPLOYEES TIME MANAGEMENT:

- County employees must engage with their supervisors to address the critical need for maintaining the County's viability. It is imperative to collaboratively determine the necessary assistance for the Supervisor of Elections to ensure smooth functioning.
- County employees assisting the SOE's office with elections should be excused from their regular County job responsibilities as indicated below. For payroll purposes and to account for their regular hours during these days, time should be entered in the County's Integrated Financial Resources Management System, commonly known as INFORMS, utilizing the 'Pollworker (PL) time reporting code.
 - Four (4) to six (6) hours on the day they are required to attend training
 - Eight (8) hours the Monday before Election Day for precinct setup
 - Eight (8) hours on Election Day
- County employees will receive two (2) days of administrative leave upon completion of all election duties to be used within one (1) year from the date of the election worked.
- County employees are responsible for recording their time on the "County Poll Worker Timesheet."
- Each County department is responsible for maintaining Administrative Leave (AD) logs to account for time granted for assisting with elections-related duties.
- County employees involved in opening procedures on the Monday prior to a election that occurs on a holiday will bank holiday time at a rate of hour per hour worked.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County,

ATTACHMENT A

Florida.