



**705 - LEAVE FOR JURY DUTY, OFFICERS OF ELECTION,
COURT APPEARANCES AND VOTING**

I. GENERAL

This policy provides guidelines for employees who serve on jury duty, appear in court or for related administrative proceedings, serve as officers of election, or vote on an election day.

Any employee who is summoned for jury duty, is summoned to attend court or a related administrative proceeding, or who serves as an officer of election shall be excused from work to attend and no adverse personnel action shall be taken against the employee.

In certain circumstances, as described below, regular full-time employees may charge time off to paid civil leave. Paid civil leave is a separate type of leave and is not charged against an employee's other accrued leave time.

II. JURY DUTY

- A. **Regular Full-Time Employees** who are absent from work due to jury duty may charge the time off to paid civil leave. At the employee's option, accrued paid personal leave (PPL) or compensatory time may be charged and, in such cases, the employee may retain any resulting payments.
- B. **Regular Part-Time and Temporary Employees** who are absent from work due to jury duty shall be granted time off without pay. At the employee's option, any accrued PPL or compensatory time may be charged.

III. OFFICERS OF ELECTION

Any employee who serves as an officer of election shall be granted the time off. Time off shall be without pay, unless the employee chooses to charge any accrued paid personal leave (PPL) or compensatory time.

IV. COURT AND RELATED ADMINISTRATIVE PROCEEDINGS

A. Non-Work Related Court Appearances

- 1. **Regular Full-Time Employees** who must be absent from work as a result of being subpoenaed or summoned to appear in court or for a related administrative proceeding may charge the time off to paid civil leave, provided the employee has given reasonable notice to his/her designated manager. This includes situations where the employee has already appeared in court and has been required in writing to appear at a future hearing. At the employee's option, accrued PPL or compensatory time may be charged, and, in such cases, the employee may retain any resulting payments from the courts.



Exception - Paid civil leave shall not be charged when the employee is a plaintiff in a court case or a defendant in a civil or criminal case not defended by the City Attorney or his/her designee. In these situations, the employee shall be excused from work to attend and no adverse personnel action shall be taken against the employee. The leave time may be charged to any accrued PPL or compensatory time, or it may be unpaid.

2. **Regular Part-Time and Temporary Employees** who are summoned or subpoenaed to appear in court for non-work related cases, shall be granted time off without pay. However, the employee may charge any accrued PPL or compensatory time, at his/her option.

B. Work Related Court Appearances

An employee shall be considered to be working when he/she is required to attend court or an administrative proceeding by the offices of the City Attorney or the Commonwealth's Attorney to testify on behalf of the City or the Commonwealth in regards to matters arising in the course of official duties. When the employee is a defendant or witness in a court case and is being defended or assisted by the City Attorney, or his designee, any time spent in court, administrative proceedings, or in other aspects of case preparation and discovery shall also be considered work time.

V. PROCEDURE

- A. **Notice of the Need for Leave** - Employees are responsible for giving as much notice as possible to the appropriate manager prior to taking leave for the circumstances stated above.
- B. **Approval** - Managers are responsible for permitting employees to fulfill their responsibilities for serving on jury duty, as officers of election, or for court appearances.
- C. **Return to Work** - When an employee's responsibilities are completed prior to the end of the workday, the employee is expected to return to work, unless excused by the appropriate manager. Considerations for excusing an employee include the remaining time in the work shift, workload, staffing requirements, and travel distance. For jury duty or court appearances, the nature of the court case, and length of time the employee has served/appeared in court may also need to be considered. If the manager determines that the employee should return to work for the remaining work shift and civil leave has been charged, the employee may request approval to use accrued paid personal leave (PPL) or compensatory time.

Exception for Shift Workers Who Serve on Jury Duty or as an Officer of Election - Employees who serve on jury duty or as an officer of election for four (4) or more hours in one day, including travel time, shall not be required to work a shift that begins on or after 5:00 p.m. on the day of the jury duty or before 3:00 a.m. on the following day.



D. Documentation/Payments

1. **If Paid Civil Leave was Charged** – the employee is responsible for providing appropriate documentation/verification of the activity and the resulting payment. Any payments received, excluding compensation for mileage or reimbursement for authorized expenses (i.e., tolls, parking, meals) shall be submitted to the employee's department payroll representative. The payroll representative shall then forward such payment to the Finance Department.
2. **If Paid Civil Leave Was Not Charged** – The employee may retain any payments received, unless the employee was considered to be working (such as for a work-related court appearance).

VI. VOTING ON AN ELECTION DAY

Employees who desire to vote on an election day should do so during non-working hours. If, in the manager's opinion, an employee is restricted from voting due to his/her work schedule, and the employee is not able to vote by absentee ballot, he/she may be excused from work and allowed to vote. Under these circumstances, regular full-time employees may charge paid civil leave for such absences. Regular part-time and temporary employees shall be excused without pay, or, at their option, any accrued PPL or compensatory time may be charged.

Supersedes/Amends: 705, 7/1/05

Approved:

City Manager