

**808.40 SUBJECT: JUDICIAL PROCEEDINGS**

:1 OBJECTIVE:

Define the City's leave and pay policy concerning employees called to attend judicial proceedings.

:2 AUTHORITY:

This procedure approved by City Council May 10, 2010.

:3 DIRECTION:

Human Resources Division Manager, as an appointed official, serves at the pleasure of the Mayor, and receives direction through the Chief Administrative Officer (CAO) or designee.

:4 METHOD OF OPERATION:

A. Judicial Leave

1. The employee shall be entitled to receive compensation at the employee's hourly rate for "authorized attendance" at any of the following Judicial Proceedings which occur during the employee's regular work shift or as a result of employment:
  - a) Jury Duty.
  - b) Criminal proceedings where the employee is not the defendant.
  - c) Civil proceedings where the employee is required to attend as a result of his/her employment with the City, except cases in which the employee is the plaintiff.
  - d) A judicial proceeding at which the City calls the employee as a witness.
2. Employees, while in attendance at proceedings under (a) and (b) above, shall only be compensated for time in attendance at the judicial proceeding which coincides with normal scheduled work periods(s); however, if employees are required to attend a proceeding under (b) and said attendance occurs as a result of employment with the City, they shall be compensated for all such time in attendance. Employees who are called to present court testimony pursuant to (c) and (d) above shall be paid at their regular hourly rate for all court appearances.
3. "Authorized attendance" means attendance at any action, trial, hearing, deposition or proceeding, whether civil, criminal, or administrative, for which an employee is compelled to attend by summons, subpoena, rule to show cause, motion to appear, or otherwise requested to attend for the benefit of the City, as determined by the City Attorney's Office.

B. General Provisions

1. This procedure shall be applicable to all City employees, except those in a collective bargaining unit, if their contract is in conflict with this policy and procedure. Additionally, temporary and seasonal employees will only be

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covered under this policy in situations where they are required by the City to attend a judicial proceeding.

2. Employees working other than the normal day shift (8:00 a.m. – 5:00 p.m.) may have their shift changed at the supervisor’s discretion to coincide with the judicial proceeding’s hours of attendance during the leave period.
3. Any employee who is legally obligated to attend a judicial proceeding shall be granted time off charged to accrued personal leave, other compensable time, or excused absence without pay if the time is not covered under “judicial leave”. Excused absence without pay will only be granted to employees who do not have other appropriate leave available. Employees are required to notify their supervisors as far in advance as possible when they will be absent, but in all cases not later than one (1) working day after receipt of notice and shall submit the summons notice or, if one has not been issued, other appropriate evidence, to their supervisor for authorization. The supervisor will retain a copy of the subpoena or other document including the Leave Request Form.
4. Employees released from a judicial proceeding shall return promptly to their work site; provided, however, that they shall have at least two (2) hours remaining on their work shift upon their return.
5. The employee’s time spent on judicial proceedings will be shown on the payroll as JP (Judicial Proceedings).
6. Employees shall be allowed to retain any monies received from a Judicial Proceeding except those employed, including civilians, by a law enforcement agency who testify in an official capacity in a State court proceeding as a direct result of their employment and if appearing during time compensated as a part of the employee’s normal duties.

:5 FORMS:

None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Procedure Section 708.40, approved by City Council July 28, 1975, Item 19, rescinds in entirety the provisions for jury duty as stated in City Council minutes of January 20, 1960. Procedure amended by City Council October 10, 1977, Item 10; procedure renumbered to 808.40 and amended December 29, 1980, Item 25; mended October 9, 1989, item 20, A-26; amended September 15, 2003; re-formatted only April 2004; amended May 10, 2010, Item A-2.

:8 EFFECTIVE DATE:

This procedure effective May 10, 2010.