



Administrative Policy Manual

Policy No: A-8

Date: 12-1-10

Approved: Don Martin

SUBJECT: JURY DUTY AND WITNESS APPEARANCE

PURPOSE: To outline procedures when called for jury duty or as a witness.

GENERAL POLICY:

Employees are summoned by the court system from time to time and may be required to serve as part of his/her civic duty. The City Manager reserves the right to request that an employee be excused from Jury Duty when absence by the employee creates undue hardship for his/her department or affects required public service. Employees required to appear in court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other legal directive, shall be authorized leave with pay as long as the subpoena is related to his/her official duties.

PROVISIONS:

1. Court leave means an employee has been subpoenaed or received a directive from the proper authority to appear as a witness in a federal or state court, before a legislative committee or quasi-judicial body.
2. Employees called to serve as a witness related to his/her official city duties during the work day shall be entitled to regular compensation.
3. Employees summoned to jury duty shall immediately notify his/her supervisor of the requirement to serve. Employee shall follow instructions given by the summons.
4. Once excused from jury duty or from serving as a witness, the employee is expected to contact his/her supervisor and report to work as instructed.
5. The employee will continue to receive his/her full pay and benefits and shall be entitled to retain juror fees with respect to fees that are not part of his/her full pay and benefits.
6. In accordance with the Fair Labor Standard Act (FLSA), overtime must be paid at one and one-half times the employee's regular rate of pay for each hour worked in a workweek in excess of the maximum workweek. For example, if witness appearance requires an employee to work over 40 hours in one week, the City shall pay the employee one and one-half times the regular rate for each hour over 40.

7. LIUNA and IPOA members who serve as a witness as required by a subpoena shall be compensated in accordance with the Memoranda of Understanding.
8. Employees who appear in court or are subpoenaed as the plaintiff, defendant or witness in any action not related to his/her official city duties shall not be compensated for time away from work. He/she may use his/her own accrual banks to be compensated while away from work. Employee must notify his/her immediate supervisor of the appearance and keep them informed of any changes.
9. If sworn personnel (Police Officer, Corporal, Sergeant, Lieutenant, Captain and Chief) receive a summons for Jury Duty, he/she shall be responsible for conveying his/her exempt status to the authority issuing the summons.
10. Former employees who are called as a witness by subpoena will not be compensated by the City of Indio for their appearance. Former employees who are requested to testify at a deposition or hearing on behalf of the City of Indio may be compensated at the discretion of the Department Director. The compensation shall be at the rate of pay at the time of the appearance which the employee would have been earning had he/she still been employed by the City.