



## POLICIES AND PROCEDURES

Subject: **Jury Duty and Other Qualified Leaves**

Policy No. **11**

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Approved by: Maria M. Houser, Assoc Vice Pres for Human Resources and Labor Relations

Signature:

### Policy

Employees are encouraged to serve on jury duty and fulfill their civic obligations. The University will provide regular full and part-time employees who have received a lawful subpoena with paid leave to appear in court for jury duty service, to resolve work-related conflicts, to participate in the resolution of complaints of employment discrimination, to attend administrative hearings, to serve as witnesses on behalf of the State, to take a State examination, and to interview for other state positions within State government. All other employees (i.e., UA) will be granted necessary time off but will not be paid by the University. Collective Bargaining Agreements supersede any conflicting language herein.

### Scope

This policy applies to all Southern Connecticut State University employees who are eligible for benefits. (Refer to your CBA)

### Purpose

Leave for jury duty is to allow employees to fulfill their civic duty by serving as a juror or appearing as a subpoenaed witness. Leave may also be required for employees who are summoned to testify, to assist, or to participate in hearings conducted by Federal and State administrative agencies. Employees in collective bargaining units should consult the relevant provisions of their collective bargaining agreements or contact the Human Resources Office.

### Policy Details

#### **Jury Duty / Civic Duty Leave / Court Leave\***

Upon receipt of proof of the necessity of jury duty, time off with pay and without loss of earned leave time shall be granted on those days that the jury meets.

Third shift employees are released from working the night shift prior to the day of jury service. First and second shift employees are released for the day or evening of the day of jury service. As an option, an employee assigned to second and third shift may be assigned to the first shift for the period of time they are required to serve. (Consult your CBA and union official)

If dismissed early or court is postponed, the employee will report to work immediately. If jury duty overlaps the employee's work schedule, the employee must report to work within a reasonable time.

Staff members are expected to report to work on those days they are "on call" for jury duty. During extended periods of jury duty, the employee is expected to stay in contact with the supervisor on a regular basis and assist in coordinating work during his or her absence.

There are no restrictions on the length of leave granted for jury duty.

### **Receipt of a Subpoena or Other Order of the Court**

- If an employee receives a lawful subpoena or other written documentation summoning the employee to appear during regular working hours before any court, commission, board, a Federal or State administrative agency, or other legally constituted body authorized by law to compel the attendance of witnesses, including jury duty for the United States or the State of Connecticut, time off with pay and without loss of earned leave time shall be granted.
  
- This does not include an employee who:
  - has had no subpoena personally issued;
  - attends court voluntarily as an observer or potential witness;
  - is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony;
  - has received a summons to appear in traffic court;
  - is a party to a civil case, either as plaintiff or defendant;\*\*
  - has any personal or familial interest in the proceedings;
  - takes time off for attorney appointments;
  - has a secondary employment outside of the service of the state;
  - is otherwise involved in some other individual or public legal action.

\*\* Employees who are required to appear before a court or jury in a matter to which they are a party may use vacation time, personal leave, or unpaid leave. Examples of this include, but are not limited to, criminal or civil cases, traffic court, divorce proceedings, custody hearings, restraining orders or other court-ordered appearances.

(Represented employees should refer to their union contract for further information)

## **State Examinations**

Employees shall be allowed time off with pay and without loss of earned leave time for the purpose of taking state merit system examinations provided due notice is given to the appointing authority. Time off with pay shall also be allowed when an employee is scheduled for a job interview as a result of being certified from a merit system list to another state agency, provided due notice is given to the appointing authority.

## **Grievances**

- Employees who are grievants, witnesses, or representatives of grievants involved in a grievance initiated under their bargaining unit contract will be granted reasonable time, including reasonable travel time off with pay to appear at a grievance hearing related to State employment.
- When required, witnesses of the grievant from the same agency will be granted time off for the purpose of testifying if due notice was given to the appointing authority or if they are required to attend by the Hearing Officer to appear for the grievant.
- Any employee subpoenaed or requested by the Office of Labor Relations (OLR) for an appearance will be granted time off for the purposes of complying with the authority.

## **National Labor Relations Board (NLRB)**

- Employees have certain entitlements to attend NLRB hearings.
- The University is required to provide unpaid leave to an employee who is a charging party in an NLRB hearing and to an employee who has a “real need to attend” such a hearing. This has been defined as a “subpoena or some other documented evidence of the NLRB demand for that specific employee to attend a hearing”.
- The University is not required to provide leave at a hearing for an employee to be a spectator.

## **Procedure**

**Notification** - A copy of the jury duty notification letter or subpoena must be submitted to the Human Resources Office when received. The supervisor will be notified and will make plans to adjust the employee’s work schedule if necessary.

## **Calculating Time**

- All time taken for jury duty or to appear as a witness must be accurately reported and submitted to your supervisor covering the total time taken for jury duty or other authorized absences.
- Released time for jury duty or witness appearance will include the reasonable time needed to attend and return from the qualified leave.

- Employees whose jury or witness duties conclude in time for them to complete their work shift should either return to work or request approval to charge the remainder of the shift to an appropriate leave type such as vacation or personal leave time.
- Whenever possible, departments should reschedule employees who regularly work the evening or night shift to a day shift schedule during the periods when they are required to appear in court proceedings to facilitate compliance.

### **Part-Time Employees**

Eligible part-time employees will be granted leave with pay for the hours or days they are excused for jury duty and for which they have been scheduled to work. Temporary employees are not eligible for pay.

### **Holiday Pay While on Jury Duty**

Employees on jury duty leave when a University holiday occurs will receive their normal “holiday” pay. Actual jury duty service on the “holiday” will not result in additional compensation or time off, since jury duty service is not University employment.

### **Expert witness duty**

An employee who is called or subpoenaed as a paid expert witness in a proceeding on behalf of the University will receive administrative leave with pay.

### **Reimbursement to the University**

Pay received for jury duty or appearance as a witness (exclusive of per diem and travel) will be submitted to the University Payroll Office. Hours spent as a juror are not considered "hours worked" and therefore, are not considered in the calculation of overtime.

Non-represented employees may retain funds paid to them in compensation for such duty if no payments were received from the University during this absence.

### **Employee Responsibility**

Employees are responsible for giving as much notice as possible to their supervisors in advance of the occasion for using paid or unpaid leave.

Employees are responsible for returning to work as appropriate when the approved activity ends and for notifying their supervisors if they are unable to return to work as expected.

Employees are responsible for providing appropriate documentation as directed by this policy concerning events and travel time needed and for completing appropriate leave requests.

### **University Responsibility**

The University is responsible for permitting employees to use leave in accordance with this policy and for establishing appropriate practices for verifying the reasons for use of this leave time.

The University establishes reasonable leave time for voluntary activities such as interviewing for other state positions.

The University may not refuse to grant leave for an employee to fulfill required activities covered by this policy. However, the University may discipline an employee for not complying with the provisions of this policy.

If the employee does not provide adequate documentation of the time missed, the University may treat the absence as unauthorized leave without pay as well as other appropriate personnel action including discipline.

### **Definitions**

**Defendant** – is the party who is required to answer to the complaint of a plaintiff in a civil lawsuit before a court or someone who has been formally charged or accused of violating a criminal statute.

**Jury Summons** – An official document requiring an individual to appear in court and potentially to serve on a jury. Failure to comply may result in legal consequences, including a finding of contempt of court.

**Plaintiff** – is the party who initiates a lawsuit before a court.

**Subpoena** – An official document requiring an individual to appear in court as a victim, witness or other participant in a legal proceeding. Failure to comply may result in legal consequences, including a finding of contempt of court.

**Witness** – is someone who has firsthand knowledge about a crime or dramatic event through their senses (e.g. seeing, hearing, smelling, touching), and can help certify important considerations to the crime or event.

**\* WARNING: Jury Duty Scam**

In various parts of the United States, citizens are being targeted by telephone calls and threatened with prosecution for failing to comply with jury service in Federal or State courts. In the calls, the threat of a fine for shirking jury service is used to coerce those called into providing confidential data, potentially leading to identity theft and fraud. These calls are not from real court officials. Judicial systems do not require anyone to provide any sensitive information in a telephone call. Most contact between a court and a prospective juror will be through the U.S. Mail, and any telephone contact by real court officials will not include requests for Social Security Numbers, credit card numbers, or any other sensitive information.

It is a crime for anyone to falsely represent himself or herself as a Federal or State court official. Persons receiving such a telephone call should not provide the requested information and should notify local police officials.

**Authority**

- Connecticut General Statutes Section 51-217; 51-232; 51-237; 51-238a; 51-247; 51-247a;
- 28 U.S.C. Section 1875 "Jury System Improvements Act";
- 42 U.S.C. Sec. 2000e-3(a) "Other Unlawful Employment Practices";
- 29 U.S.C. Sec. 660 (c) "Occupational Safety and Health Act" of 1970;
- 29 U.S.C. Sec. 215 (a) (3) "The Equal Pay Act" of 1963;
- Title VII of the "Civil Rights Act" of 1964;
- CT Department of Administrative Services General Letter No. 170;
- CT Office of the Victim Advocate CGS Sec. 46a-13b et seq.;
- SCSU Employee Handbook;
- Individual bargaining unit contracts

**Exceptions**

Any exception to the procedures in this Policy shall require prior written approval from the Associate Vice President of Human Resources and Labor Relations or designee.