

ADMINISTRATIVE PROCEDURE

CATEGORY: **Personnel, Leaves/Absences**

SUBJECT: **Jury Duty**

A. PURPOSE AND SCOPE

1. To outline the law and administrative procedures to be followed when an employee is called for jury duty.
2. **Related Procedures:**

Certificated substitutes for illness/emergency	7290
Personal business leave	7134

B. LEGAL AND POLICY BASIS

1. **Reference:** Board Policy I-2460; Education Code Sections 44036, 44037; Labor Code Section 230; Code of Civil Procedure Sections 98–237; Collective Negotiations Contracts.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Payroll Department, Finance and Business Services Division.
2. A monthly employee called for both U.S. Federal and California jury duty will be granted a paid leave of absence for days actually served. For service with a California court employees are not permitted to accept jury duty stipends. If an employee receives a jury duty stipend it must be returned to the Jury Commissioner. For service with a U.S. Federal court employees may accept the stipend. It does not need to be returned to the Jury Commissioner.
3. Certificated employees are not exempt from jury duty.
4. Only regular monthly employees are eligible to receive salary during their regular assignment (i.e., excluding summer school) while on jury duty. *Hourly employees and substitute teachers* are not paid by the district for hours not worked.
5. It is unlawful to encourage, solicit, or suggest that any employee seek exemption from jury duty, but it is lawful to discuss with an employee the practicality of seeking exemption or postponement. The jury commissioner is empowered to grant excuses from jury service in cases of undue hardship on the person or the public served by the person.

6. Employees are expected to return to work when they serve only a partial day on jury duty. Determining factors are time of release, travel, distance, shift assignment, and classification. As a general guideline (unless otherwise specified in the collective negotiations contract) an employee may be excused from work if actual time of jury service or examination equals or exceeds three-fourths of the hours in the employee's normal workday. The employee's supervisor determines whether the employee must return to work after considering factors in each case.

Note: Employees on jury duty who are placed on "telephone standby" must report to work during those days.

7. **Substitute teachers** serve a complete school day even though individuals for whom they are substituting may not be selected for duty and are required to return to school. (Half-time assignments for substitutes are not encouraged [Procedure 7290].) A certificated employee returning from jury duty may complete the classroom assignment or work on other duties at the discretion of principal.

D. IMPLEMENTATION

1. Employee

a. Upon receipt of jury summons

- (1) Notifies supervisor, who *may* discuss the practicality of seeking exemption or postponement when acceptance would tend to materially disrupt district operations but *may not* encourage, solicit, or suggest seeking exemption.
- (2) Responds as directed by agency issuing jury summons. Exemption or postponement, if desired, should be requested during conference in jury commissioner's office or in written response, as required by agency issuing jury summons.
- (3) If necessary, in responding to initial summons to determine eligibility, employee may be excused from duty without loss of pay for a period of not more than two hours (Procedure 7134).

b. Upon receiving orders to report for jury duty

- (1) Completes "Short Term Leave With Pay Request" by checking "Jury Duty"; attaches official jury summons; submits to principal/department head.

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- (2) At the end of each calendar month or at the end of duty, submits properly executed jury attendance certification (obtained from and signed by court clerk) to the site timekeeper; failure to do so may result in pay warrant being delayed.
 - (3) If released from jury duty after partial day of service, phones supervisor for decision on whether return to work is required.
2. **Principal/department head** approves leave; files request, jury summons and attendance certification at school site; requests substitute, if needed and audits time reported and jury attendance certification forms to verify actual days served by employee and validate pay status.
 3. **Timekeeper** enters information concerning absence in Time and Labor.
 4. **Human Resource Services Division** supplies substitute as requested.

E. FORMS AND AUXILIARY REFERENCES

1. Certification of Jury Service (Federal) or Attendance Certification (State), from Court Clerk
2. Short Term Leave With Pay Request

F. REPORTS AND RECORDS

G. APPROVED BY



General Counsel, Legal Services