

Department of Public Works and Engineering

Subject:

COURT RELATED ABSENCES

Departmental Policy
3 - 24

Effective Date: Upon Approval

I. Purpose

To establish a policy that defines the circumstances under which employees will be compensated for absences due to court appearances.

II. Scope

This policy applies to all Department of Public Works and Engineering employees and supersedes any other former Departmental policy, procedure or directive.

III. Policy

In compliance with Mayor's Policy No. 603, it is the policy of the Department of Public Works and Engineering to compensate employees for authorized court related appearances only when the court appearance is in response to a summons for jury duty or is otherwise compelled by an appropriate authorized legal document requesting such an appearance and is directly related to City business.

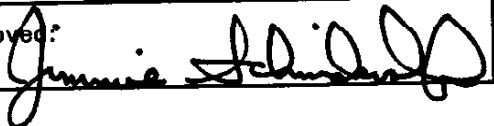
IV. Definitions

City business - the specifications and responsibilities of the City as delineated by the various departments in the Code of Ordinances. It includes the various assigned and authorized activities, duties, and tasks performed by a city employee if directly in furtherance of an express departmental responsibility. City business also includes any activity or issue that the Mayor and/or City Council articulate as a specific responsibility assumed by the City, but does not include any personally related business that merely involves a city employee directly or indirectly, unless such personally related business has been adopted by the Mayor or City Council through appropriate formal procedures and made official business of the City.

V. Jury Duty

Employees summoned to appear for jury duty shall be required to furnish proof of summons. A copy of the summons should accompany the 206 required for leave and should be approved prior to the appearance date with as much advance notice as possible. An employee shall be paid for time spent in court only when such time can be validated by an instrument of the court, such as a court attendance slip,

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signed by an officer of the court. Employees are required to return to work if released prior to the end of their working hours.

VI. Subpoenas, Summons, or other court ordered or related appearances

Note: The information specified in Section VI applies whether the employee is appearing on behalf of the City or the party filing an appeal/lawsuit against the City.

Employees who are subpoenaed, or otherwise served with a valid court ordered notice to appear at a date, time and place certain to give testimony or if the subpoena requests that documents be produced at a date and time certain in addition to testimony to be taken, shall request leave by means of a Form 206 and attach a copy of the subpoena or court ordered notice together with a copy of all documents attached including any check or money. If the subpoena is related to City business, and/or it requests the production of any city documents, a copy of the subpoena or other notice should be given to the Legal Department Labor Division as soon as it is received so that any compliance and procedural matters may be taken care of promptly.

- A. Authorization for the absence to appear will be granted if the instrument is valid, appropriate and properly served. Employees are required to return to work if released prior to the end of their work shift/day.
- B. Each day's (or portion thereof) absence will be compensated by the city only when such appearance is for city business and when such time can be validated by an instrument of the court signed by an officer of the court, the Assistant City Attorney assigned to the matter or some other form of verification of the time spent at and the purpose of such court related appearance.
- C. The same requirements, procedures and compensation authorizations apply where the notice is for deposition testimony, to provide affidavits or other sworn statements, to act as a witness, or to otherwise appear before a city board, commission, committee, subcommittee, agency or other official body of a local, state or national government and shall be limited to only such

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time as is required to provide the requested testimony and appearance. Employees must return to work immediately for the remainder of their work shift/day.

- D. No overtime compensation shall accrue or be paid to any exempt or nonexempt employee for any such court or other appearance authorized herein unless the appearance is at the request of the city and related directly to city business. To be paid overtime, whether by accrued compensatory time or wages in accordance with City Ordinances, the overtime must be requested in compliance with Mayoral and departmental policies and City Ordinances and authorized in compliance with city, state and federal laws on overtime.
- E. Employees should request being put "on call" whenever possible to minimize time away from work.
- F. Employees who are subpoenaed, summoned or received some other court ordered appearance not related to city business shall be granted time off without pay or be allowed to use vacation or accrued compensatory time if available. These absences will not be considered unscheduled unless it is determined that the employee failed to provide ample notification to their supervisor of the expected absence. The date the employee was notified should be taken into consideration when determining if ample notification was given to the supervisor.

VII. Compliance

Adherence to the above is mandatory. Any Employee who violates this policy may be subject to disciplinary action up to and including indefinite suspension.

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