

## JURY DUTY AND WITNESS LEAVE

<b>AUTHORITY:</b>	Personnel and Salary Resolution Applicable Memoranda of Understanding and Administrative Directive
<b>RESCINDS:</b>	Procedure Manual Item 1-3-003, dated <b>11/03/21</b>
<b>FORMS:</b>	None
<b>PURPOSE:</b>	To provide guidelines for releasing an employee for Jury Duty and Witness Leave and for processing the request for this absence.

### I. GENERAL INFORMATION

#### A. Jury Duty

1. A regular, limited term, or probationary employee, who is called for jury duty, or for examination for jury duty, shall be compensated at the employee's regular rate of pay for those hours of absence due to the jury duty **which occur during the employee's regularly scheduled working hours.**
2. When the jury duty occurs during the employee's regularly scheduled working hours, the employee must deposit fees for such hours of jury duty, exclusive of mileage, with the Orange County Probation Department.
3. Fees for jury duty performed during hours other than regularly scheduled working hours may be retained by the employee. **Any hours worked beyond the regular scheduled workday shall be subject to the workweek and overtime provisions.**
4. An employee may request a change in regularly scheduled working hours to a Monday through Friday **day** shift for the duration of jury duty – such requests shall be granted, if **practicable**.

#### B. Witness Leave

1. A regular, limited term, or probationary employee, who is called to answer a subpoena as a witness for court appearances, except when the employee is a litigant, shall be compensated at the employee's regular rate of pay for those hours of absence due to answering a subpoena as a witness.
2. When the court appearance occurs during the employee's regularly scheduled working hours, the employee must show proof of such subpoena and deposit fees for such hours, exclusive of mileage, with the Orange County Probation Department.
3. Fees for answering a subpoena as a witness during hours other than regularly scheduled working hours may be retained by the employee.

## II. PROCEDURE

- A. The employee will provide a copy of the jury duty document and/or the subpoena to his/her immediate supervisor.
- B. The employee records all absences for jury duty on the bi-weekly time sheet as "JD" or "JDK."
- C. The employee records all absences for Witness Leave as "WTLV" on the bi-weekly time sheet for the appropriate day(s).
- D. The employee must deposit all fees, mileage excluded, with the Orange County Probation Department, with the exceptions as noted above.
  - 1. If fees are deposited by a check, make the check payable to "The Orange County Probation Department" and mail to:

The Orange County Probation Department  
Attn: Cashier  
P.O. Box 10178  
Santa Ana, CA 92711

Enclose a photocopy of the original check and the stub for jury duty.

- 2. On the photocopy of the original check, write the name of the court attended and the dates on jury duty.

## REFERENCES:

Procedures:	1-1-111	Subpoenas and Records Requests
Policy:	C-3	Leaves: Personal, Medical, Family, Military, Workers' Compensation, Witness, Bereavement, OCEA Business
	E-2	Subpoena, Summons, and Subpoena Duces Tecum

J. Maguin

**APPROVED BY:**