

SERENTITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: COURT LEAVE
POLICY NUMBER: HR -7.08
EFFECTIVE DATE: January 2009
SUPERSEDES: N/A
LAST REVISION DATE: February 2010

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to recognize and respect employees' obligations to perform civic duties when summoned as a potential juror or witness, and grants employees leave for this purpose. An employee may not be discharged, disciplined or otherwise penalized because the employee is absent from employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee.

REQUESTING LEAVE:

An employee who is summoned to perform jury duty or to serve as a witness must bring a copy of the summons or subpoena to his/her immediate supervisor when he/she first receives it. Likewise, an employee who is summoned in response to a court order must show a copy of the order to his/her immediate supervisor when requesting leave.

PAY WHILE ON COURT LEAVE:

Eligible employees will receive pay while on jury duty for the days they are otherwise scheduled to work. Employees will be paid only for the time they are required to appear by the court, plus any additional time that is reasonably necessary, in the opinion of SBHS, for the employee to prepare for or return from jury duty. Employees will not receive any compensation for time spent serving as a juror that exceeds the employee's regularly scheduled duty hours. Eligible nonexempt employees will receive their straight time base pay rate times the number of hours they would otherwise have worked up to a maximum of eight hours for each day of required jury duty. Exempt employees will receive their normal salary. Employees may keep any juror fees and travel allowances they receive from the Court.

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- A. Employees may be required to provide documentation to SBHS supporting the need for leave to serve as a juror. Further, employees may be required to keep in contact with SBHS at reasonable intervals during the time that the employee is absent from duty.

COURT ATTENDANCE AND WITNESS DUTY LEAVE:

Court leave is granted to eligible employees as follows:

- I. An employee who is summoned to perform jury duty or to serve as a witness must bring a copy of the summons or subpoena to his/her immediate supervisor when he/she first receives it. Likewise, an employee who is summoned in response to a court order must show a copy of the order to his/her immediate supervisor when requesting leave.
- II. An employee summoned to appear as a witness or required by a court to attend a proceeding will be paid in the same manner as an employee serving on a jury. However, an employee will not receive paid leave to attend a trial or an arbitration hearing in which he/she:
 - A. Is charged with a crime
 - B. Is a plaintiff or defendant
 - C. Voluntarily appears as a witness
 - D. Is a witness in a case arising from or related to his/her outside employment or outside business activity
 - E. Is testifying for a fee as an expert witness
 - F. Has any other personal or familial interest in the proceeding

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- G. In such circumstances, the employee must use annual leave, personal leave or take leave without pay.
- III. Employees are required to report back to work as soon as they are released from jury duty or other court ordered appearance. Management may require verification from the court showing the time served. A failure to make a timely return from court leave is treated as an unexcused absence.

PROCESS:

Supervisors will determine how to record the absence from work based on the specific circumstances and the information listed below.

- I. Employees must submit a leave request form for court leave to be properly recorded. Copies of supporting documentation are to be attached to the form and maintained by the supervisor.
- II. Hourly employees are not eligible for paid court leave since they are paid only when work is performed.
- III. Employees who are required to appear in court on behalf of SBHS are in work status. No leave or leave without pay will be charged.
- IV. Employees, who are summoned to an administrative hearing, are expected to appear (e.g., before the State Personnel Board, Office of State Administrative Hearings, Unemployment Compensation, State Board of Workers' Compensation, Commission on Equal Opportunity, etc.). Employees are considered to be in work status and no leave or leave without pay will be charged during the time that they are required to attend the proceeding and travel to and from the proceeding.

REFERENCES:

- I. Rules of the State Personnel Board – Rule 16 (Absence From Work)

APPROVAL SECTION:

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Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date