



POLICY: 6Hx28: 3D-09

Responsible Executive: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Assistant Vice
President, Human Resources

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: 06-26-2019

Date of Last Policy Review: 05-03-2021

Court-Related Leave

Policy Statement:

- I. Valencia College employees may be granted paid court-related leave for jury duty, certain court appearances, or administrative hearings. Employees who need to attend to personal court related matters unrelated to employment may be approved to utilize accrued personal leave, vacation leave, or unpaid leave, if applicable leave is exhausted or not available.
- II. After receiving a jury duty or court related summons that will require an employee to miss time from work, the employee shall notify and provide their supervisor a copy of such summons as soon as possible. Employees are responsible for keeping their immediate supervisor timely informed of any court related changes. If an employee is not required to be present in court or is released during their regularly scheduled work hours, the employee shall work or return to work their regularly scheduled hours.
- III. The College President or designee shall establish procedures to implement this policy.

Policy History:

Adopted 12-11-74; Amended 8-27-75; Amended 1-19-83; Amended 11-18-92; Amended 4-16-13; Amended 6-26-2019; Formerly 6Hx28:7-06; Formerly 6Hx28:07-19

Related Documents/Policies:

College Policy 6Hx28: 3E-05.2 Ethical Conduct and Performance

College Policy 6Hx28: 3E-05.3 Extra College Employment and Activities

College Policy 6Hx28: 5-08 Travel by Authorized Personnel

Procedures:

I. Jury Duty

- A. Full time employees are eligible for paid court related leave for the time equal to the scheduled work hour(s) of the day(s) missed as a result of jury duty.
- B. Full time employees shall retain any court fees earned and shall normally not be paid by the College for meals, lodging, or travel for jury duty.
- C. Court-related leave for jury duty shall not exceed the number of hours in an employee's normal workday. Hours spent serving on court related leave for jury duty do not count towards hours worked for overtime eligibility for non-exempt employees.
- D. If the jury duty does not cause an employee to miss regularly scheduled work hours, the employee is not normally eligible for court related leave, unless the employee works half or more of their shift between the hours of 5:00 pm and 8:00 am. In lieu of working, an employee who has jury duty and is scheduled to work that same afternoon and/or night is eligible for court related leave for the time equal to the scheduled hours for the shift immediately following jury duty.
- E. A request for court-related leave for jury duty shall be initiated by the eligible employee on a Certificate of Absence (COA) form through the Request and Manage My Leave System. The employee must also upload a copy of the court verification document provided upon completion of jury duty service for supervisor review and approval. In order to be compensated for jury duty, written verification by the court of time served is required. (Note: If the employee is excused and does not have to have to report the day of jury duty, the employee is expected to work their next scheduled work day, inform their supervisor, and cancel any COA submission as appropriate.)
- F. Normally, part time employees are not eligible for court-related leave for jury duty and may be excused from work. With supervisor approval, a part time employee's weekly work schedule may be adjusted within the work week as appropriate to make up missed time from work. A part-time faculty employee teaching an academic credit bearing course who is unable to adjust their work schedule due to an instructional day conflicting with jury duty shall request court-related leave on a COA form through the Request and Manage My Leave System. The employee must also upload a copy of the court verification documentation provided upon

completion of jury duty service for supervisor review and approval. In order to be compensated for jury duty, written verification by the court of time served is required. (Note: Supervisors shall also complete a substitution form, if applicable, in accordance with College Policy 6Hx28: 3A-05 Substitute Professors).

II. Court Appearance

- A. Full time employees subpoenaed as a witness in a court or administrative hearing, not involving personal litigation, shall be eligible for paid court-related leave not to exceed the number of hours in the employee's regular workday. If the court appearance does not require absence for the entire workday, the employee should return to work immediately upon release by the court. The College will not reimburse the employee for meals, lodging, and travel expenses. However, any witness fees received for services provided may be retained by the employee.
- B. An employee who is a witness in a court or administrative hearing not involving personal litigation shall initiate a request for court-related leave on a Certificate of Absence form through the Request and Manage My Leave System. The employee must also upload a copy of the court verification document provided for supervisor review and approval.
- C. Normally, part time employees are not eligible for court-related leave for jury duty and may be excused from work. With prior supervisor approval, a part time employee's weekly work schedule may be adjusted within the work week as appropriate to make up missed time from work.

III. In Line of Duty Court Appearance

- A. An employee subpoenaed in the line of duty to represent the College as a witness or defendant, or is otherwise required to appear in court on behalf of the College in a College related matter, shall be considered on duty and their time considered as hours worked. Note: A non-exempt employee (paid on an hourly basis) is eligible to earn overtime in accordance with the Fair Labor Standards Act. Overtime compensation will only be paid to an eligible non-exempt employee if the actual hours worked exceed 40 hours in the workweek. Paid non-duty hours, sick leave, vacation leave, or other paid or unpaid leaves in the workweek will not be considered when calculating hours worked for overtime purposes. For more information on overtime compensation, see College Policy 3C-01 Total Rewards: Compensation & Hours of Work for Employees of the College.
- B. The employee may be paid per diem and travel expenses in accordance with College procedures, and shall turn over to the College any fees received from the court. For additional information on per diem and travel expenses, see College Policy 6Hx28: 5-08 Travel by Authorized Personnel.

IV. Personal Litigation or Paid Expert Witness

- A. An employee who is engaged in a personal litigation or service as a paid expert witness is not eligible for paid court-related leave for their court attendance. Personal litigation includes litigation in which an employee is a defendant in a criminal matter; has received a summons to appear in traffic court (except as a witness); is a party to a civil case, either as plaintiff or defendant; or has any personal or familial interest in the proceedings.

- B. Employees who serve as paid expert witnesses must comply with the College's policy and procedures on outside employment/activities and conflict of interest in accordance with College Policy 6Hx28: 3E-05.3 Extra College Employment and Activities; and College Policy 6Hx28: 3E-05.2 Ethical Conduct and Performance.

- C. An employee engaged in a personal litigation or service as a paid expert witness shall notify and provide their supervisor as soon as possible appropriate court documentation outlining the dates and times of the court appearance for the supervisor's review and approval. If approved, the employee may request a work schedule adjustment to their supervisor or if eligible, request time off work for supervisor review and approval by submitting a request on a Certificate of Absence form through the Request and Manage My Leave System for personal or vacation leave.

Procedure History:

Adopted 1-19-83; Amended 11-18-92; Amended 6-26-19; Amended 5-3-21; Formerly 6Hx28:07-19

Date of Last Procedure Review: 05-03-2021