



POLICY MANUAL

Personnel – Time Off

Jury Duty/Subpoenas

Revised: 04-15-04

Code: 1 – 7 – 7

Book Chapter Subject

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7.0 Purpose: Establish Procedures On Jury Duty And Court Subpoenas.

7.01 Scope: All Fire Department Personnel.

7.02 **JURY LEAVE**

Rule XI, Section 5 of Personnel Rules in Resolution 866 reads as follows:

JURY LEAVE: Every classified employee of the City who is called or required to serve as a trial juror shall be entitled to absent himself from his duties with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid the difference between his full salary and any payment received by him, except travel pay, for such duty. See Policy 1-7-6, 6.10, for instructions on how to staff when an employee will be absent for Jury Duty.

The policy of the City is not to adjust employees' paychecks to reflect pay received for jury duty. It is the responsibility of the employee to turn in the compensation received, exclusive of travel pay, for those days he absented himself from regular duties.

It shall be the responsibility of the Department supervisors to insure the appropriate form is completed and turned in.

7.03 **SUBPOENAS**

Any Fire Department member may be subpoenaed to appear in court or for a deposition relating to an incident they responded to while on duty.

When a Fire Department member receives a subpoena for a job-related incident, they shall immediately forward a copy of the subpoena to the Fire Chief through proper channels. He/She should then arrange time off or cost reimbursement through his supervisor.

The Fire Chief will immediately forward the subpoena and any supporting materials to the City Attorney. The City Attorney's office will review the subpoena and schedule legal counsel to be present at the deposition or court trial.

7.04 **COMPENSATION AND EXPENSES**

As per Government Code Sections 68096.1 and 68097.2, when a department member is served a subpoena to attend a civil action as a witness in litigation, the party who issued the subpoena shall tender to the City Clerk a sum of \$150.00 for each day the member is required to appear.