

CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA

Subject: <p style="text-align:center">Jury and Witness Duty</p>	Memo No. 15-4 Pages: 3 Date: December 9, 2003
Approved by: Thomas W. Schmitt, Associate Vice President for Human Resources	

(This supersedes Memo No. 15-4, dated 6/1/1999)

1.0 Policy

It is the policy of the Institute to provide leave with pay to benefit based employees called for jury or witness duty.

2.0 General

2.1 Jury Duty

Eligible employees called to jury duty may be authorized leave with pay for up to (10) days in any calendar year. Any time in excess of the applicable maximum will be charged to vacation accrual or leave without pay at the option of the employee. The employee is responsible for informing the court about any hardships created by being assigned to cases that may extend beyond the allotted ten (10) days of jury duty pay.

2.2 Witness Duty

Eligible employees subpoenaed as witnesses may be authorized to take leave with pay for such length of time as may be required by the court. For the purposes of this policy, witness duty does not include:

2.2.1 Appearance as an expert witness. Expert witnesses are expected to make their own arrangements for compensation, and time off for such duty will be charged either to accrued vacation or leave without pay.

2.2.2 Appearance as a witness in a matter in which Caltech is a party, or in which Caltech has an interest. In the case of employees who are authorized by the Office of General Counsel to testify on behalf of the Institute, time to prepare for such appearance, and time spent giving testimony in court, will be treated as time worked and expenses incurred by the employee are reimbursable in accordance with the Institute's travel policy.

2.3 Eligibility

Benefit based employees are eligible for leave with pay for jury or witness duty.

2.4 Work Attendance

The employee should continue to report for work on those days or parts of days when excused from jury duty or witness duty and when a half day or more remains of her or his scheduled workday.

2.5 Reporting Receipt of Summons for Jury/Witness Duty

Employees who receive a summons for jury or witness duty should advise their supervisor promptly. If such service is scheduled to occur at a time when the employee's work is of extreme importance to the Institute, the employee should request a postponement of jury or, in extremely rare cases, Caltech will ask the court to excuse the employee from such service. When excuse or postponement is to be requested, it is important that the employee and /or her/his supervisor so inform the appropriate office¹ as soon as possible after receiving the summons.

2.6 Requesting Jury Duty Postponement or Excuses

2.6.1 As soon as possible after receiving a summons for jury or witness duty, an employee should notify their supervisor of such impending service. If it will occur at a time when the employee's planned activities are so important that her/his absence will be a hardship to the Institute, the supervisor and the employee should determine when such service will be acceptable. Once that time period is determined, it is the employee's responsibility to contact the court to request a postponement. Instructions for obtaining postponements are commonly included on each jury service summons. If the court is unable to grant the postponement requested by the employee, she/he should contact the appropriate office¹ for assistance with the requested postponement.

2.6.2 In certain rare circumstances, an employee summoned for jury duty may be performing a service for the Institute that requires her or his critical skills over an extended period, for example, one that extends beyond the time within which the courts will typically grant jury service postponements. In those cases, the following process will apply:

- a. The employee's supervisor and division/department head have determined the critical nature of the employee's work.
- b. The head of the office with responsibility for administering this policy concurs with assessments and recommendations of the employee's supervisor and division/department head.
- c. Neither the employee nor the office¹ responsible for administering this policy has been able to obtain postponement of jury duty to a time when the employee can be spared from her or his Institute activities for several days.
- d. The Institute will petition the court presenting reasons why the key employee's absence during the period of jury duty would constitute a severe hardship to the Institute, or, if appropriate, and request an excuse from jury duty. The final determination of whether an employee is excused rests with the court.

¹ Faculty members should contact the Office of the Provost; campus staff members should contact the Human Resources office; JPL staff members should contact the JPL Human Resources Directorate; Postdoctoral Scholars should contact Postdoctoral Scholar Services.

3.0 Procedure

3.1 Requesting/Reporting Paid Jury Duty/Witness Leave

3.1.1 Employee

- a. Request leave for jury or witness duty in advance from immediate supervisor.
- b. When requesting jury or witness leave, provide a copy of the summons or subpoena for the supervisor.

3.1.2 Department/Division

Review the request for paid jury or witness leave. Leave with pay must be approved by the supervisor and Head of the Division or Department, or, if applicable, Project Administrator. The Department should complete documentation required for time and attendance reporting, indicating jury or witness leave where appropriate.

3.2 Returning to Work from Paid Jury/Witness Duty Leave

3.2.1 Employee - Provide the supervisor a statement from the Court Clerk indicating actual time served on jury duty or as a witness.

3.2.2 Department/Division - Retain the statement in local files in support of the time and attendance reports submitted to the Payroll Department.

4.0 Payment Basis

4.1 Payment for leave with pay will be computed on the basis of time actually spent on jury or witness duty up to a maximum of (8) hours per day and (40) hours per week.

4.2 Jury and witness pay will include shift premium and applicable special pay allowances if they are normally included in the employee's pay.

4.3 Jury and witness duty will be considered time worked for the purposes of computing overtime.

5.0 Exceptions

Exceptions to this policy require approval of the chief human resources officer or designee.