



# Administrative Procedure

Number:	305
Effective	1/14/85
Supercedes:	
Page:	1 of

**Subject:** COURT APPEARANCES

1.0. PURPOSE:

To establish the policy and procedure related to court appearances.

2.0. ORGANIZATIONS AFFECTED:

- 2.1. All organizational units of the University.
- 2.2. Important: This procedure, or portions thereof, may be superseded by an agreement between The California State University and an exclusive employee representative.

When referring to this procedure, as it relates to actions affecting represented employees, consult the agreement that applies to employees within the represented unit.

3.0. REFERENCES:

- 3.1. Government Code, Section 1230.01.
- 3.2. Code of Civil Procedure, Section 200.
- 3.3. State Administrative Manual (SAM), Section 8594.
- 3.4. Collective Bargaining Agreements:
  - Unit 1, Articles 16.1 through 16.9.
  - Unit 2, Articles 14.17 through 14.20 and 14.23 through 14.26.
  - Unit 3, Articles 23.4 through 23.7 and 23.10 through 23.15.
  - Unit 4, Articles 20.1 through 20.4 and 20.6 through 20.8.
  - Unit 5, Articles 14.6 through 14.19 and 14.21 through 14.25.
  - Unit 6, Articles 18.20 through 18.24 and 18.25 through 18.29.
  - Unit 7, Articles 14.16 through 14.20 and 14.21 through 14.25.
  - Unit 8, non-applicable.
  - Unit 9, Articles 14.17 through 14.20 and 14.22 through 14.26.

**Approved:**

**Date:**

3.5. University and Colleges Administrative Manual (UCAM), Section 6367 ff.

4.0. POLICY:

4.1. Employees who serve on jury duty, or as a subpoenaed witness in the interest of the University do so without loss of pay. Employees who are subpoenaed for other reasons, not in the interest of the University, are required to use personal time as outlined in Section 7.3. below.

4.2. There is no blanket exemption under which employees may be excused from jury duty. However, courts may make individual exceptions at their discretion, if jury duty would entail undue hardship on the person or the public served by the person. When appropriate, employees may request exemption from jury duty when such service would entail undue hardship on the students, staff, or campus community. The Director of Human Resource Management should receive a copy of such exemption requests.

5.0. DEFINITIONS:

5.1. Jury duty -- Includes appearances for preliminary jury selection; as a jury panel member, or for a coroner's inquest.

5.2. Court appearance -- Includes appearances as an expert witness; as a court subpoenaed witness; at depositions; and at Workers' compensation hearings.

5.3. Court fees -- Payments made by the court to individuals for jury duty or service as a witness.

6.0. RESPONSIBILITIES:

6.1. Employees will:

6.1.1. Advise their supervisor of initial notification to serve as a juror or witness.

6.1.2. When serving as a witness, determine if certified copies of appropriate documents will eliminate the need for a personal appearance.

6.1.3. If a witness for an action that is not in support of the University, request the use of vacation or leave credits.

6.1.4. Remit jury duty fees to the University in order to receive full salary.

6.1.5. Submit documents to the University Accounting Office verifying court or jury duty service.

6.2. Supervisors will:

6.2.1. Approve the absence request for jury duty or court appearance and when appropriate, approve use of vacation or in-lieu credits for court appearances.

6.2.2. When necessary, change employee's schedule to conform to court hours.

6.2.3. When program needs are critical, direct the employee to Request jury duty postponement.

6.3. Department Attendance Clerks will:

6.3.1. Report the number of days absent for jury duty or court appearance serving the interest of the University.

6.3.2. Report the time to vacation or in-lieu time, or dock the employee, when the employee appears as a witness in a matter not in the interest of The CSU.

6.4. The University Accounting Office will:

6.4.1. Receive the check paid to the employee by the court for serving on jury duty or as a witness for the University.

6.4.2. Reimburse the employee for fees.

6.4.3. Approve the release of employee's payroll warrant.

7.0. PROCEDURE:

7.1. Jury duty

7.1.1. The employee's supervisor will be notified by the employee upon receipt of written notification of selection for jury duty.

7.1.2. In the event that short notice (less than ten days) is provided of impending jury duty, the supervisor may reasonably direct the affected employee to submit a request for postponement so that staff can be reassigned to cover the employee's responsibilities.

- 7.1.3. Unless postponement is granted, the employee will serve the schedule required for jury duty and report to the supervisor (or unit attendance clerk) the days served.
- 7.1.4. The department attendance clerk will report days served on jury duty.
- 7.1.5. The University Payroll Office will credit days served on jury duty as days worked.
- 7.1.6. The employee will deliver all jury duty payments to the University Accounting Office.
- 7.1.7. The University Accounting Office will issue a warrant to the employee for mileage and will retain jury duty payments.
- 7.2. Court subpoenaed witness or a witness serving the interest of the State.
  - 7.2.1. The employee will notify immediate supervisor of the requirement to appear in court as a witness to provide expert testimony in the interest of the State.
  - 7.2.2. Employees serving as court-subpoenaed witnesses or expert witnesses in the interest of the State will seek the payment of witness fees. Whenever possible, employees will confer with the attorney requesting their appearance to determine whether certified copies of appropriate documents would be suitable and would eliminate the need for a court appearance.

Otherwise, the employee will appear as required and report the hours and/or days served to the supervisor (or unit attendance clerk).
  - 7.2.3. The department attendance clerk will report total hours served as a witness.
  - 7.2.4. The University Payroll Office will credit the hours as a court-subpoenaed witness or witness serving the interests of the State as days worked.
  - 7.2.5. The employee will deliver all witness payments to the University Accounting Office.

7.2.6. The University Accounting Office will issue a warrant to the employee for mileage and any payments in excess of what the employee would normally be paid by the University for the period of absence.

7.2.7. Should the employee elect not to remit witness payments to the University Accounting Office, the time served will be charged by the Payroll Office as vacation or overtime. If the employee has no vacation or overtime credits available, the employee will be docked for the period of absence.

7.3. Employees who are parties to suits or who are expert witnesses not serving in the interest of the State must appear on their own time. They either will be charged vacation or overtime, or their pay will be docked for the period of the absence and they may retain all court fees.

8.0. APPENDICES:

N/A