

PERSONNEL

Personnel - Leave Policies

Civil Leave (6.22.4)

PROCEDURE

Regular employees shall be granted civil leave when, in obedience to a subpoena or direction by proper authority, an employee appears as witness for the Federal government, the State of Tennessee or a political subdivision of the State or when it is necessary to attend any court in connection with official duties or serve on a jury in any State or Federal Court.

In accordance with TCA 224108, the employee shall be excused from returning to employment for any scheduled work day such employee's responsibility for jury duty exceeds three (3) hours during the day for which an excuse is sought. Employees serving less than three hours on a scheduled work day shall return to work for the remainder of their work day. Travel time is not to be included in determining whether or not an employee's actual jury duty service has exceeded three (3) hours.

However, if an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from his/her employment as provided by this section for the shift immediately preceding his/her first day of service on any lawsuit. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day then such person shall be excused from his/her next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of the provisions of this paragraph to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

For the period an employee eligible for civil leave renders jury service or serves as witness, he or she shall be entitled to the difference between regular compensation and the amount allowable for such service, except travel expenses and parking received. The employee may be required to provide a statement from the court which includes dates and times of service and any compensation received.

Payment for time served on civil leave and time spent traveling to and from court shall be made at the employee's regular rate of pay, except that such compensation shall not exceed the total of the employee's regularly scheduled daily pay. However, if the employee elects to use annual leave rather than civil leave, he or she may do so and retain all compensation or fees received as a witness or juror. Travel expenses (mileage) will not be paid by the institution.

Employees involved in personal litigation or who serve as witnesses in private litigation shall be charged with annual leave or leave without pay.

REFERENCES

TBR Policy No. 5:01:01:05