



## ADMINISTRATIVE DIRECTIVE

<b>LEAVE FOR WITNESS/JURY DUTY AND FOR VICTIMS TO BE PRESENT AT PROCEEDINGS</b>	NUMBER	PAGE
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	EFFECTIVE DATE	
	<b>February 1, 2016</b>	

### I. PURPOSE

To provide leave for City employees required to serve on jury or witness duty and employees who are victims of crime.

### II. POLICY

Employees are required to follow all City and departmental attendance requirements, assure timely communication with supervisor, and submit original official documentation associated with the event such as subpoenas and jury duty attendance forms. Employees are required to report promptly to regular assignments at the conclusion of the proceedings. As necessary, a supervisor may modify an employee's regular schedule to accommodate legal proceeding attendance requirements.

### III. WITNESS DUTY

A. **City-Related Service:** An employee, including a non-permanent employee, required to appear as a witness in response to a properly served subpoena issued because of city employment shall be excused from his/her regular assignment to attend related legal proceedings and shall receive full pay.

B. **Not Associated with City Service:** Except for non-permanent employees, an employee who submits a properly served subpoena to appear as a witness in a legal proceeding not associated with city employment will be excused from work. The employee will notify his/her supervisor of his/her selected pay option by completing the Witness and Jury Duty Option Form (see Administrative Directive [2.01-7](#), Employee Leaves, Attachment 7) indicating their preference to:

1. Receive full pay from the city by agreeing to submit to the city any pay received for witness duty, or
2. Utilize accrued vacation leave or compensatory time and retaining any pay received for witness duty.

Non-permanent employees will be placed on a leave-without-pay status to attend legal proceedings not associated with city employment.

### IV. JURY DUTY

An employee who submits an original jury duty notice will be excused from work. The employee must notify his/her supervisor of his/her selected pay option by completing the "Witness and Jury Duty Option Form" indicating the preference to:

- A. Receive full pay from the city by agreeing to submit to the city any pay received for witness duty, or



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- B.** Utilize accrued vacation leave or compensatory time and retaining any pay received for witness duty.

Non-permanent employees will be placed on a leave-without-pay status to attend jury duty service.

**V. Leave to be Present at Legal Proceedings**

- A.** An employee who is a crime victim may use accrued paid leave (sick leave, vacation leave and/or compensatory time) to be present at a proceeding pursuant to the Arizona Victim' s Leave Law. If the employee has no accrued paid leave available for use, leave without pay will be granted for this purpose.

Before the employee may leave work to be present at the proceeding; the employee shall provide copies of the following documents to the department director:

1. A copy of the form identifying case information by the law enforcement agency, and
2. A copy of the notice of each scheduled proceeding that is provided by the agency that is responsible for providing notice to the victim.

- B.** The department director will keep confidential records regarding the employee's leave pursuant to this section.
- C.** The Human Resources Director or designee, in consultation with the employee's department director, may limit the leave provided under this section if the employee's leave creates an "undue hardship" to the work operations.

**VI. Discrimination and Retaliation Prohibited**

- A.** Employees who use leave in accordance with this Administrative Directive (AD) will not be subjected to discrimination and/or retaliation, including discharge, loss of seniority or discrimination in compensation or other terms, conditions or privileges of employment as a result of taking such leave.
- B.** The city will not refuse to hire or employ or otherwise bar an applicant from employment because the individual is a crime victim who has exercised his/her right to be present at proceedings related to the crime.



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**Forms** attached to AD 2.01-7

Witness and Jury Duty Option Form

**References** (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

Victim's Leave Law, A.R.S. §13-4439  
2.01-7, Employee Leaves

**Review Responsibility and Frequency**

The Director of Human Resources will review this directive annually, based on date of publication. Last review Date: July 1, 2007.

**Authorized**

  
 \_\_\_\_\_  
 City Manager

  
 \_\_\_\_\_  
 Date



## Witness and Jury Duty Option Form



### WITNESS AND JURY DUTY OPTION FORM

I, \_\_\_\_\_, having received official notice  
**(Please Print Your Name)**  
 to report to \_\_\_\_\_ as a JUROR /  
**(Please Print Name of Court)** **(Circle One)**

WITNESS, do hereby choose the method of payment designated below in accordance with City of Tucson Administrative Directive 2.01-7H.

- I wish to receive my full pay from the City of Tucson and assign and agree to submit to the City of Tucson, Finance/Accounting Division, all pay received for witness or jury duty.
- I wish to charge to my accrued vacation leave the time served on witness or jury duty and I will retain all payment I receive for this service.
- I wish to charge to my accrued compensatory time, the time served on witness or jury duty and I will retain all payment I receive for the service.

\_\_\_\_\_  
 Date Employee Signature Employee Number

\_\_\_\_\_  
 Department Division Organization No.

**Distribution: Original: Accounting Copy: Division Payroll Clerk Copy: Human Resources**