



ADMINISTRATIVE DIRECTIVE

LEAVE FOR WITNESS, PLAINTIFF, JURY DUTY, EMPLOYEE REPRESENTATIVES, AND FOR VICTIMS TO BE PRESENT AT PROCEEDINGS	NUMBER 2.01-7K	PAGE 1 of 3
	EFFECTIVE DATE July 1, 2020	

I. PURPOSE

To provide leave for City employees required to serve jury duty or as a witness and employees who are victims of crime. To allow City employees who are Plaintiffs to use accrued Vacation Leave for trial and trial related proceedings. To allow City employees to use accrued Vacation Leave to serve as the representative for another City employee in disciplinary proceedings.

II. POLICY

Employees are required to follow all City and departmental attendance requirements, assure timely communication with their 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. PLAINTIFF

A City employee pursuing litigation, whether or not against the City, may request to use accrued Vacation Leave for trial related proceedings and the trial. City and departmental policies regarding requests for Vacation Leave shall be followed.



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V. 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
- B. Utilize accrued vacation leave or compensatory time and retaining any pay received for witness duty.
- C. Non-permanent employees will be placed on a leave-without-pay status to attend jury duty service.

VI. EMPLOYEE REPRESENTATIVE

Any City employee (including Public Safety employees) serving as the representative of another City employee in a disciplinary proceeding may request to use accrued Vacation Leave for this purpose. This provision does not supplant City recognized Labor Organization Agreements but allows for one City employee to represent another City employee regardless of membership in a labor organization.

City and departmental policies regarding requests for Vacation Leave shall be followed. Employee representatives shall not perform any tasks related to the disciplinary action (including but not limited to research, gathering documents or information, interviews, and representing the disciplined employee at meetings or hearings) during the employee representative's scheduled work time. Failure to follow City or departmental policies regarding Vacation Leave requests or working on the disciplinary matter during the employee representative's scheduled work time may result in disciplinary action for the employee representative.

VII. 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.



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- 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.

VII. 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.

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: February 1, 2016.

Authorized

City Manager
Michael J. Ortega

7/21/2020

Date