

	LOS ANGELES COMMUNITY COLLEGES HUMAN RESOURCES GUIDE	HR P-407
		GOVERNMENTAL ORDER LEAVES
ISSUE DATE: September 9, 2008	SERVICE: <input checked="" type="checkbox"/> ACADEMIC <input checked="" type="checkbox"/> CLASSIFIED <input checked="" type="checkbox"/> UNCLASSIFIED	
REPLACES: <u>Legacy Personnel Guides:</u> B490 Jury Service, Policy and Procedure B491 Jury Service, Policy and Procedure	CHANGES: New	

I. POLICY

It is the policy of the District that any employee summoned for involuntary governmental order service will be allowed to perform such service and will be paid his/her regular earning. If the governmental order service is jury duty, the employee must remit to the District any amount s/he receives in juror fees, except for mileage fees. The District will not encourage employees, directly or indirectly, to seek to be exempt from governmental order service, or to discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of such employee's compliance with a governmental order or service on any jury panel.

II. DEFINITIONS

- A **Governmental Order Leave** is granted to an employee to appear as a witness in court, other than as a litigant, or to respond to an official order from another governmental jurisdiction for reasons not brought about through misconduct or connivance on the part of the employee. ([Board Rule 101026](#))
- A **Jury Duty Leave** is a form of governmental order leave granted to an employee for the actual time he or she needs to comply with a summons for jury duty.
- A **Court Witness Leave** is a form of governmental order leave granted to an employee for the actual time he or she needs to comply with a subpoena to appear as a witness.
- A **Salaried Employee** works scheduled consistent duty days and hours (has a work schedule) each week and receives the same amount of compensation (salary) each pay period. ([W-210](#), [W-410](#))

III. REQUIREMENTS

A. Conditions

1. This policy shall apply to all employees of the Los Angeles Community College District (District). However, to the extent that this policy is inconsistent with the terms of a collective bargaining agreement between the District and represented employees, the appropriate agreement shall prevail as to those represented employees.
2. Paid leave shall not be granted to any employee for the purpose of court, arbitration, or other appearance as a litigant against the District.

3. The District shall grant all salaried employees appropriate paid leave for jury service, to appear as a witness in court, other than as a litigant, or to respond to an official order from another governmental jurisdiction, as indicated below.
 - a. **Jury Duty Leave** is granted to all salaried employees for up to ten (10) days for the actual time needed to serve as State or Federal jurors in compliance with a State or Federal Court summons for jury duty. Any such salaried employee who is summoned for jury service will be allowed to perform such service and will be paid his/her regular earnings. Mileage allowance fees may be retained by the employee. If the employee serves in a jurisdiction that pays juror fees, s/he must remit the juror fees received, excluding mileage fees, to the District for all days of juror services except for holidays, vacation periods and days s/he is not in paid status. (Education Code § 87035 and § 87036; Government Codes §1230).
 - b. **Court Witness Leave** is granted to a salaried employee for the actual time he or she needs to comply with a subpoena to appear as a witness.
 - c. **Governmental Order Leave** is granted to a salaried employee to appear as a witness in court other than as a litigant, or to respond to an official order from another governmental jurisdiction for reasons not brought about through misconduct or connivance on the part of the employee. ([Board Rule 101026](#))
4. A salaried employee, other than day-to-day, substitute, temporary or academic employee represented under a collective bargaining agreement, who renders involuntary service on a Federal or State jury will be allowed his or her regular salary in accordance with the terms of this policy, provided the employee makes him or herself available for work during the hours his or her presence is not required in court. If the employee is released early from a day's jury service, the employee should make a reasonable effort to report to his or her work location for the balance of the work day.
5. Any juror fees, except for mileage reimbursement, that are collected by the employee must be remitted to Payroll Services, District Office.
6. The District does not provide paid leave for jury service to the temporary status employees listed in Table P-407A, below.

TABLE P-407A
POSITIONS NOT ELIGIBLE FOR PAID JURY SERVICE LEAVE

Type of Service	Position	Description of Service
Academic	Academic Hourly Day-To-Day Substitute	Employment on a day-to-day basis against a continuous absence and/or non-continuous absence pattern of a particular instructor for a particular cause of absence; length of assignment is limited to a period of 20 working days for the substitute instructor (Education Code § 87840).
Classified	Hourly (Relief) ¹	Employment in a limited-term position of not more than six month's duration which augments the number of regular positions in a given organizational unit, or employment as an employee temporarily occupying a regular position during the absence of the incumbent.
Classified	Temporary	Any person employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis (Education Code § 88003, <i>Short-term Employee</i>).
Classified	Substitute	Any person employed to replace any classified employee who is temporarily absent from duty (Education Code § 88003, <i>Substitute Employee</i>).
Unclassified	Community Representative	A person employed in an advisory or consulting capacity for not more than 90 working days in a fiscal year (HR R-310).
Unclassified	Community Services Teacher	Person employed to teach short-terms, not-for-credit classes in the Community Services Program (HR R-340).
Unclassified	Professional Expert	An expert in a recognized profession employed in that professional capacity for a specific limited-term capacity (HR R-310).
Unclassified	Recreation Employee	A person employed as an assistant athletic coach in the intercollegiate athletic program or as an attendant at a recreational activity, sports event or community services program (HR R-400; HR R-340).
Unclassified	Student Employee	Generally, a full-time student employed in part-time or a part-time student employed part-time in any college work study program or in a work experience education program (Education Codes § 88076 (b) (3) and (4)).
Unclassified	Academic Development Grantee	An employee awarded a Development Grant to develop an Academic Program (HR R-350).
	Project Match Intern	An unclassified internship for the purpose of preparing future community college faculty who will be sensitive to the needs of a diverse student population.
Unclassified	Elected Officer; Appointed Officer	A member of the Board of Trustees (HR R-330), Student Trustee or Personnel Commissioner.

¹ In the Legacy System, service type Classified Hourly was formerly referred to as Substitute and Relief.

B. Jury Service Notification: Any employee who receives a State or Federal Court summons to perform jury service shall notify his supervisor as soon as possible.

C. Jury Service Postponement: Employees may request postponement of jury service as allowed by the court.

- D. Release from Service:** Employees who are released from jury service during any day should report to work as directed by their supervisors. If assigned to other than day shift, the employee excused from jury service should make himself or herself available between 8:00 am and 5:00 pm. Substitutes should be permitted to remain for the full day, even though the regular employee reports for work after being excused from jury service for that day.
- E. Extension of Service:** If the State or Federal Court requires that an employee's jury service exceed the allowable two (2) weeks paid leave afforded by the District, the Presiding Judge, Court Commissioner or Clerk of the Court shall communicate with the appropriate College President or District Office equivalent requesting an extension of the employee's paid leave for jury service and stating the compelling reasons for the extension.
- F. Certification of Jury Service**
1. At the conclusion of jury service the employee should have the court clerk or other appropriate official provide written certification as to the dates paid for jury service, the rate of pay for such service, if any, and the dates called for services but excused without pay. This certification should be forwarded to the location timekeeper.
 2. In cases where a time report is due prior to the conclusion of jury service, the employee should request certification as to the days served as a juror and submit the certification of time served to that point, in lieu of the certification for the entire period of such service.
 3. At the conclusion of service, an official certification for the entire period of service and the employee's check for reimbursement of jury fees should be forwarded submitted to the appropriate timekeeper.
- G. Compensation**
1. The location Payroll office will pay the employee his or her regular salary on those days reported as jury service and covered by a certification from the court of service.
 2. The College President or District Office equivalent shall have authorization to approve payment for additional days that the employee has served as a juror on either a State or Federal jury beyond the two weeks provided herein. Represented academic employees shall be paid in accordance with the terms of their collective bargaining agreements with the District.
- H. Reimbursement:** The employee must reimburse the District for all jury fees, except for mileage reimbursement, received for days for which the employee has been paid his or her regular salary (any days marked "J" on the time report), except for holidays, vacation, or days the employee is not in paid status. Reimbursement to the District should be by check, forwarded with jury certification to the location timekeeper. The location timekeeper will forward the reimbursement check and jury certification to Payroll Services, District Office.

I. Absence Codes for Time Reporting

- 1420 Jury Duty
- 1170 Court Subpoena (Witness)
- 1290 Governmental Order

IV. ADDITIONAL SOURCES

CALIFORNIA EDUCATIONAL CODE

87035 Leaves of Absence

87036 Unlawful to Encourage Exemption from Jury Duty

88003 Classified Service in Districts not Incorporating the Merit System

88105 Limited-term Employees

CALIFORNIA GOVERNMENT CODE

1230 Leaves of Absences

LACCD BOARD RULES

Chapter X, Human Resources

[Article 101026 Miscellaneous Absences for Which Salary is Allowed](#)

LACCD HUMAN RESOURCE GUIDE

[HR W-210 Absence Reporting, Faculty \(Salaried\)](#)

[HR W-410 Work Schedule and Year "D" and "G" Basis](#)

LACCD COLLECTIVE BARGAINING AGREEMENTS

[AFT Faculty Guild Local 1521](#): Article 25D, Governmental Order Leave Including Jury Duty (Mandatory)

[AFT College Staff Guild Local 1521A](#): Article 19J, Jury Duty Leave (Mandatory)

[Building and Trades Council](#): Article 13, Section 8, Jury Duty Leave

[California Teamsters Local 911](#): Article 13B, Mandatory Leaves

[SEIU Local 721](#): Article 8I, Jury Duty Leave

[SEIU Local 99](#): Article 9, Section 8, Jury Duty Leave

PERSONNEL COMMISSION RULES

[781 Absence in Response to A Court Subpoena](#)

[782 Absence for Jury Duty](#)