

Benefits and Leaves: Jury Duty and Witness Leave

Subject: Univeristy Human Resources

Policy: Jury Duty and Witness Leave

Effective Date: January 1, 2019

Revised:

Review Date: Three (3) years from Effective Date above

Responsible Party: University Human Resources

Applicability: This policy applies to all employees, except short-term workers and student workers

1. INTRODUCTION AND PURPOSE

This policy establishes uniform procedures for granting eligible state employees paid time from work to serve as a witness or juror. The Board of Regents has adopted the [Department of Administration Jury Duty and Witness Leave policy](#) for nonfaculty employees in [BOR Policy 708.1.1](#), and the university has adopted the policy for faculty. This policy is intended to be consistent with these policies.

2. ELIGIBILITY

The university will grant employees leave to serve as a juror or as a witness when properly subpoenaed or summoned in accordance with [Section 2-18-619, MCA](#).

3. REQUESTS FOR LEAVE

Employees must request leave using leave request procedures that may be required by the department. The employee must inform the supervisor of the date(s) and anticipated length of absence as soon as possible after being summoned or subpoenaed. The employee must provide a copy of the summons or subpoena when requesting the leave.

State law allows agencies to request employees be excused from jury duty if those employees are “needed for the proper operation” of the agency ([Section 2-18- 619, MCA](#)). The Chief Human Resources Officer, or designee, must sign all requests to excuse an employee from jury duty in compliance with this statute.

4. PAY AND EXPENSES

- a. When properly subpoenaed or summoned, employees have two choices. They may choose to:
 - i. use accrued annual leave or compensatory time; or
 - ii. receive regular pay and benefits while on approved jury duty or witness leave.
- b. Employees must notify agency management of their choice at the time they request the leave.
- c. Employees who choose to use accrued paid leave may keep all payments and allowances provided to them for their service as a juror or witness.
- d. Employees who choose to receive regular pay and benefits will be paid for their regularly scheduled hours. Employees will not receive payment for hours served outside their regular work schedule. Employees receiving regular pay must forward all payments and allowances received for their service as a juror or witness to University Human Resources within three (3) days of receipt.
- e. Employees who serve as jurors may submit a claim for expenses. Employees who serve as witnesses may submit a claim for expenses to the university if the appearance was for work-related reasons. If employees receive payment from the court or a third party reimbursing them for the same expenses, they must return any dual payments to the university.
- f. Employees who use their personal vehicle and receive a mileage allowance from the court may keep the funds. If a state vehicle is used, any mileage allowance paid must be returned to the agency.
- g. When an employee is subpoenaed to testify in connection with the employee's official duties in a civil action where the state or its agencies are not a party, the university will require reimbursement for the compensation and benefits paid to the employee from the person requesting issuance of the subpoena ([Section 26-2-515, MCA](#)).

5. RETURN TO WORK

Employees granted leave to serve as a juror or as a witness must return to their next regularly scheduled shift upon release from duty. If the shift is in progress at the time of release, they must make a reasonable attempt to return to work immediately or arrange with their supervisor to return at a later specified time.