



## **POLICY 3.70**

**4-E** I recommend that the Board adopt the proposed revised Policy 3.70, entitled "Witness or Jury Duty."

[Contact: Darron Davis, PX 48953 or Mark Mitchell, PX 48911.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on March 4, 2009.
- The revised policy has been re-written in its entirety and to include the subject matters of School Board Policies 3.75 (Witness Duty) and 3.752 (Witness Fees).
- The proposed policy continues the School District's policy of providing an employee paid leave for: federal or state court jury duty; appearances in court or at administrative hearings on behalf of the School District as a witness or defendant; and for appearances in response to a lawfully issued witness subpoena for other matters in which the employee is not the plaintiff or defendant.
- Revisions are provided as to when an employee must remit fees back to the School District for jury duty or witness appearances, and when an employee may seek travel expenses from the School District.
- In instances of the employee's personal litigation, the employee is required to use annual leave.
- This revision also updates statutory references.

## POLICY 3.70

### WITNESS OR JURY DUTY

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3 1. **Purpose.** The School Board believes serving on a jury is a fundamental  
4 responsibility of citizenship; and that one should respond to lawfully issued  
5 subpoenas requiring testimony. This policy is to establish procedures governing the  
6 granting of administrative leave requested by employees for jury duty or as  
7 subpoenaed witnesses.

8 2. **Policy Statement.**

9 a. **Court Appearances.** -- An employee may be granted temporary leave and  
10 shall receive his or her regular compensation and benefits for appearances in  
11 state or federal court matters under the following circumstances:

12 i. When summoned to appear as a federal or state court juror during work  
13 hours. If, upon reporting for jury duty, the employee is dismissed prior to  
14 -serving one-half day, the employee is to report back to the regular duty  
15 assignment. A reasonable amount of time will be allowed for travel.

16 ii. When summoned to appear as a defendant or a witness, during work  
17 hours, in an action arising out of and in the course of employment with  
18 the School District.

19 iii. When summoned to appear as a witness, during work hours, in any civil  
20 or criminal action in which the employee is not the defendant or the  
21 plaintiff.

22 Any fees received by an employee related to court or witness appearances as  
23 provided in this paragraph shall be remitted to the Accounting Department in  
24 check or money order, less permissible travel expenses and payments  
25 received for days the employee was not scheduled to work, if any, as  
26 provided in School Board Policy 6.01.

27 b. **Administrative Proceedings.** -- Board employees who are subpoenaed to  
28 appear as witnesses in an administrative proceeding of the School Board shall  
29 be entitled to the following:

30 i. For administrative proceedings within Palm Beach County, the employee  
31 shall be compensated for travel expenses at the rate provided under Fla.  
32 Stat. § 112.061 and Policy 6.01.

33 ii. For administrative proceedings outside of Palm Beach County, the  
34 employee shall be compensated for per diem and travel expenses at the

35 rate provided under Fla. Stat. § 112.061 and Policy 6.01.

36 3. Exception to Payment of Witness Fees for School Board Employees. --  
37 Witness fees shall not be paid to School Board employees summoned as  
38 witnesses on behalf of the School Board, School District or Superintendent,  
39 whether such summons are for federal or state court proceedings or administrative  
40 proceedings. However, such employees shall be entitled to his or her regular  
41 compensation and benefits as provided in paragraph 2 herein.

42 4. Employee's Personal Litigation. -- In no case shall temporary duty leave with pay  
43 be granted for court attendance when an employee is engaged in personal  
44 litigation. In such cases, an employee may request to use personal or annual  
45 leave subject the approval of the responsible supervisor.

46 ~~If an employee is under subpoena for jury duty during the time normally engaged in~~  
47 ~~regular professional duties, the employee may make application for temporary duty~~  
48 ~~elsewhere. The employee shall receive regular pay while on jury duty and shall~~  
49 ~~remit to the Finance Department in check or money order (no cash) the amount of~~  
50 ~~fees, less travel allowance, received for jury duty.~~

51 ~~If, upon reporting for jury duty, the employee is dismissed prior to serving one-half~~  
52 ~~day, the employee is to report back to the regular duty assignment. A reasonable~~  
53 ~~amount of time will be allowed for travel.~~

54 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42 ~~230.22, 231.00S1, 231.39~~  
55 LAWS IMPLEMENTED: Fla. Stat. §§ 40.24, 40.271, 112.061, 120. 569(k)(3), 1001.43,  
56 1012.66 ~~231.42, 231.43~~  
57 HISTORY: 11/29/76; 6/16/82; 12/11/85\_\_/\_2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.70 and finds it legally sufficient for development by the Board.

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Attorney

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Date