

Metro | *Policies and procedures*

Subject Jury Duty and Witness Leave
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

It is Metro's policy to comply with Oregon law allowing employees to take leave from work for jury duty without the loss of any employment benefits. Metro also provides leave to employees who are subpoenaed as witnesses. Benefits-eligible regular status and limited duration employees will be granted paid leave for jury duty and qualifying witness service.

Applicable to

Excused leave: All employees.

Paid leave in addition to accruals: Regular status and limited duration employees who are eligible to receive benefits from Metro.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.

Definitions

Subpoena: An order issued by the court requiring you to appear in person at a certain place, date and time to testify as a witness about a particular case.

Guidelines

1. All Metro employees will be excused from work when summoned for jury duty or subpoenaed to appear as a witness before a court, legislative committee or judicial or quasi-judicial body in a matter in which the employee is not a party.
2. Paid leave will be granted to benefits-eligible regular status and limited duration employees during jury duty or witness service except as specified below. Paid leave granted under this provision is in addition to the employee's regularly accrued paid leave.
3. With the employee's agreement, Metro may petition for removal of an employee from jury duty if the employee's absence would cause an undue hardship to Metro's operations.
4. Metro will not coerce or retaliate against employees due to their jury or witness service.
5. If an employee is required to appear in a matter in which he or she is a party, time off may be granted subject to attendance policies and work rules. Such time off must be paid from the employee's accrued paid time off. If the employee does not have accrued time off, the leave will be unpaid.

6. If an employee is required to appear in court or before another government body in connection with his or her assigned duties, such time (including travel time) will be paid work time. The employee will pay to Metro any fees received for this service.
7. Employees who are required to appear in court in connection with their status as a victim of a personal felony, domestic violence, sexual assault, harassment or stalking may have additional rights under other Metro policies. Please see Metro's Crime Victims' Leave Policy and Domestic Violence, Sexual Assault, Harassment and Stalking Protections Policy or contact the HR Department for more information.

Procedures

1. An employee summoned for jury duty or subpoenaed as a witness should notify his or her supervisor as soon as possible and provide a copy of the jury summons or subpoena. The employee should request leave using Kronos or with a leave request form if they do not have access to Kronos.
2. The excused period of leave is the amount of time the employee is required to be present for jury or witness service during his or her regular work hours. Paid leave will be granted to benefits-eligible regular status and limited duration employees for jury duty or witness service in addition to the employee's regularly accrued paid leave time.
 - a. If the employee serves for less than a full day and works for the remainder of the day, leave will also include reasonable travel time to or from the employee's work site.
 - b. An employee who is released from jury or witness service with four hours or more remaining in his or her shift will be expected to return to work for the remainder of the shift unless the supervisor determines in advance that an exception should be made due to staffing adjustments made to accommodate the leave.
 - c. An employee who is released from jury or witness service with fewer than 4 hours remaining in his or her shift must consult with his or her supervisor for instruction on whether to return to work for the remainder of the day.
 - d. If an employee serves for less than a full day but the supervisor directs him or her to stay home for the remainder of the shift, paid jury duty/witness leave will apply.
 - e. If an employee serves for less than a full day but chooses not to return to work, the remaining period of the workday will be unpaid unless the employee chooses to use accrued paid leave time.
 - f. Employees who work non-standard shifts should consult with their supervisor. The employee's supervisor may approve a temporary shift change or partial paid leave if appropriate under the circumstances.
3. An employee on leave for jury duty service will have his or her benefits continue for the duration of jury service and witness leave.
4. If it is permitted by the applicable court or forum, an employee granted paid leave to serve as a juror or witness must waive all fees received for this service, with the exception of travel allowance. If the court or forum does not allow fees to be waived, employees receiving paid leave must pay any fees other than travel allowance to Metro.
 - a. Fees should be remitted by signing over the check to Metro and delivering it to the Metro Financial and Regulatory Services Department, Accounts Receivable.
 - b. Employees who take unpaid leave or who serve as a juror or witness on their own time or while on accrued leave may keep all fees associated with this service.

5. An employee on jury duty or witness leave must keep his or her supervisor informed of any changes to his or her anticipated return date and time. If the duration of leave is not known at the outset, the employee should follow regular call-in procedures.

Responsibilities

Employee:

- Notify your supervisor if leave is needed to serve as a juror or witness.
- Give a copy of the jury summons or witness subpoena to your supervisor as soon as possible.
- Code leave time as jury duty leave in Kronos or notify your supervisor if assistance with Kronos is needed while on leave.
- Keep your supervisor informed of any changes to your anticipated return date. If you are released from witness or jury service after a partial day, return to work or contact your supervisor for instruction in accordance with this policy.
- Waive or pay to Metro any fees, other than travel allowance, received in connection with jury or witness service for which paid leave is awarded.
- If you experience any adverse employment action or negative treatment as a result of taking leave under this policy, report it following the procedures outlined in Metro's Discrimination and Harassment Policy.

Supervisor:

- Coordinate with the Department Director to ensure that operational needs are met while the employee is on leave.
- Ensure that leave is coded appropriately in Kronos.

Department Director:

- Petition the court to excuse an employee from jury service if the employee's absence would constitute an undue hardship.

Financial and Regulatory Services - Accounts Receivable:

- Receive and process jury and witness fees.

References

ORS 10.061 (jury duty fees); ORS 10.090 (jury duty employment protections)

Metro Discrimination and Harassment Policy