

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Leave for Legal Matters	Number: 22-45
	Effective Date: 10/17/2023
Departments Affected: All	Supersedes (Number/Date):
Authority: Section 2.82-A. Red Bluff City Code	File References: Approved: Approved by City Council on: 10/17/2023

Overview: The City of Red Bluff shall grant paid leave for an employee who is absent from work as required by law to serve on a jury or to comply with a subpoena or other court order as a witness in a judicial proceeding. Other leave for legal purposes may be granted, but the employee must use accrued leave, unpaid leave, or compensatory time off that is otherwise available to the employee.

Applicable to: All regular or probationary City of Red Bluff employees.

Guidelines: **Jury Duty**
An employee will be granted leave with pay for jury duty or jury duty selection. The employee shall refuse any other pay for jury duty.

Compliance with a Subpoena or Court Order

An employee will be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive full pay for work time lost at the employee's regular rate of pay.

Leave for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when they are a victim, or when a family member (see Definitions) or registered domestic partner is a victim. For these purposes, the employee may use vacation, administrative leave, unpaid leave or compensatory time off.

Leave for Personal Legal Matters

An employee may request time off from work to attend court proceedings which have resulted from personal affairs. This includes, but is not limited to, appearing in court as a defendant, a plaintiff in a lawsuit, or divorce/family proceedings. For these purposes, the employee may use vacation, administrative leave, unpaid leave or compensatory time off.

Prior to taking time off, an employee shall give their supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible party, unless advance notice is not feasible. When advanced notice is not feasible or an unscheduled absence occurs, the employee shall, within five days of the

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absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. The employee shall provide the Department Head or designee with a copy of the notice.

If an employee is released from jury duty prior to the end of the employee's work shift, they shall return to work the remainder of their work shift.

If the court requires the employee to be available by telephone alert, the employee may remain at their workplace until called to serve jury duty.

Because the employee is receiving full pay from the City of Red Bluff for Jury Duty, the employee should refuse jury pay. Should the employee receive any jury pay or witness remuneration, the employee must report the amount to the City and the amount will be deducted from the employee's next paycheck.

Upon receiving proper notification of the need for leave for legal matters, the Department Head or designee shall review the request and follow the law in granting such leave. A supervisor may not prohibit or intimidate an employee from participating in a jury. Any requests for time off related to legal matters must be kept confidential.

If requested, the Human Resources Department Office may provide guidance to the department and/or employee.

References: Labor Code §230; Penal Code §667.5 and §1192.7.