



## CITY OF MILPITAS

Revision	Date
Original	11/08/1972
2	11/29/2021

### CITY ADMINISTRATIVE POLICY

<b>Policy No:</b> 2.1.3	<b>JURY DUTY</b>	<b>Effective Date:</b> 11/29/2021
<b>Revision No:</b> 2	<b>Policy Administrator:</b> Human Resources	<b>Next Review Due:</b> As Needed
<b>Related Policies and Procedures:</b> SOP 13-9 Jury Duty	<b>Approved by:</b> Steven G. McHarris, City Manager	<b>Date Approved:</b> 11/29/2021

#### 1. PURPOSE

- 1.1. The City of Milpitas encourages all employees to do their civic duty when summoned to serve as a member of a jury in court. The purpose of this policy is to outline the policy and procedure employees are to follow when the employee receives a jury summons.

#### 2. POLICY

- 2.1. In accordance with California Labor Code 230 (a), employees will not be discharged or retaliated against for taking time off to serve as required by law on an inquest jury or trial jury.
- 2.2. Leave with pay is granted for regular and probationary employees employed by the City in a regular full-time position.
- 2.3. Any per diem fees received by the employee for serving on the jury must be turned over to the City. Mileage fees paid to the employee by the Court is not subject to this policy.
- 2.4. Employees are expected to notify their supervisor immediately when a Jury Summons has been received, following their departmental protocol for requesting time off.

#### 3. DEFINITIONS

- 3.1. Employee – Any person employed by the City in a regular full-time or part-time position, regardless of probationary status.
- 3.2. Jury Duty – The obligation to act or a period of acting as a member of a jury in court.

#### 4. PROCEDURE

- 4.1. The employee will submit a copy of the Jury Summons to his or her supervisor as soon as possible upon receipt of the summons.
- 4.2. Employees will follow their normal departmental protocol for requesting time off. If advance notice is required for vacation requests and employees are unable to request time off within normal department protocols, employees should discuss with their supervisor at the onset of jury duty to understand how vacation requests are to be handled with short notice.
- 4.3. Employees returning to work from jury duty will submit verification of dates and times served.
- 4.4. Employees on jury duty are expected to report to work when their service or attendance is not required for a portion of the workday and/or they have been dismissed by the Court, unless there are less than two hours remaining in the workday. Nothing in this section is intended to eliminate an exempt employee's ability to flex their work schedule to meet operational needs.



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### JURY DUTY/ POLICY # 2.1.3

- 4.5. Employees may arrange to telework on days to complete the remainder of the workday insofar as the needs of the business operations can be met with written approval from their department head or designee.
- 4.6. Employees who wish to remain off work after being dismissed from jury service for the day or after jury service has concluded, may request vacation time off in accordance with department protocols.
- 4.7. A swing/evening shift employee may request to have their schedule changed temporarily to the day shift during their period of jury duty. The day of the schedule change shall coincide with the first day of jury duty and shall end the day jury duty ends. It is the employee's obligation to notify their supervisor as soon as possible to accommodate this request as well as to ensure approval has been received, prior to reporting to work to a shift at a different time their regularly scheduled swing/evening shift.