

COURT AND JURY LEAVE

I. Purpose

The purpose of this policy is to establish leave procedures for the purposes of jury duty or serving as a witness in a court proceeding for employees at any campus, division or unit of the University of Arkansas System.

II. Employees as Jurors

Any employee serving as a ~~witness, juror, or party litigant~~ shall be entitled to ~~regular~~full University compensation in addition to any fees paid by the court for such services ~~and such~~. Such absences shall not be counted as annual leave.

~~In cases where service as a witness can be handled by having the involved attorney take a deposition or statement, it is preferred. Depositions or statements which involve the University may be taken during duty hours. All others should be handled as off duty time.~~

~~Employees who are accepted by the court as expert witnesses and paid a fee in excess of the normal witness fee shall take annual leave for the time required for such testimony.~~

Where service on a jury would substantially interfere with the execution of the University work schedule, the chief administrative officer of the campus may, after consulting with the University's Office of General Counsel, petition the judge in writing ~~for exemption~~to exempt an employee from such service. ~~However, if an~~ exemption is denied or if no response is received prior to the date jury duty is to begin, the individual must report for jury duty. An employee who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of sick leave or vacation time, or any other form of penalty as a result of his/ or her absence from employment due to such jury duty, upon giving reasonable notice to his/ or her ~~employers~~supervisor of ~~such~~the summons. Employees serving as jurors should return to work as soon as their services are no longer needed by the court.

III. Employees as Witnesses

When an employee is subpoenaed as a witness it will be determined through the employee's administrative chain, in consultation with the Office of the General Counsel, if the employees' testimony is within the scope of their employment. Due to the nature of their employment, law enforcement employees may be treated differently. Employees who are called as witnesses for cases in which their testimony is in the scope of their employment are entitled to their salary with no charge to leave for their absence. Depositions or statements which involve the University may be taken during duty hours. Employees who are called as witnesses on matters outside of the scope of

their employment shall take annual leave. Nine-month employees, if subpoenaed to testify on matters not related to the University or their scope of employment, will coordinate the scheduling of testimony with their administrative chain to ensure that the absence does not interfere with their University employment duties and is in keeping with applicable leave policies. Use of depositions is preferred for non-scope of employment testimony and should be handled during off-duty time or while the employee is in leave status.

#### IV. Employees as Expert Witnesses

An employee who intends to serve as an expert witness in a legal matter must comply with University conflict of interest policies, which require disclosure and review of all possible conflicts of interest and commitments. This includes the requirement to comply with all applicable outside employment rules, including Board of Trustees Policy 450.1 *Outside Employment*, which requires prior approval of all outside employment by all full-time faculty and non-classified staff members. Employees who are retained by a party or by a court as expert witnesses and paid a fee in excess of the normal witness fee set by statute or court rule shall take annual leave for the time required for such testimony. Employees who do not accrue leave should coordinate their absence with their administrative chain to ensure no disruption of their University employment duties.

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