



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission

HR-16: Court Leave Policy (effective: 11/2010)

Introduction

Employees who are ordered to attend any judicial proceeding during work hours are allowed to attend the proceeding. Employees will not be discharged, disciplined or otherwise penalized because of absences from work for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires attendance at a judicial proceeding. This provision does not apply to an employee who is charged with a crime.

Notification

As soon as employees become aware of the need to attend a judicial proceeding during work hours, they must provide documentation (e.g., a copy of the subpoena, summons or other court order or process) to their supervisor.

Leave Determination

1. Supervisors will determine how to record the absence from work based on the specific circumstances and the information listed below.
2. Employees are to be granted paid court leave to cover absences from work on days that employees are subpoenaed, summoned for jury duty or otherwise ordered to attend a judicial proceeding **unless** they are litigants (plaintiffs, defendants or other principal parties) or have any other personal or familial interest in the proceedings. An employee who is a victim of a crime and summoned to a criminal proceeding will be granted court leave.
 - a) Court leave includes the time that an employee's presence is actually required by the judicial proceeding and any reasonable time needed to prepare for and recuperate from the ordered duty and travel to and from the proceeding. Employees are expected to report for work whenever the judicial proceeding schedule permits.
 - b) Court leave may be used for out-of-state judicial proceedings.
 - c) Employees must submit a leave request form for court leave to be properly recorded. Copies of supporting documentation are to be attached to the form and maintained by the supervisor.
 - d) Hourly employees are not eligible for paid court leave since they are paid only when work is performed.
3. Employees **not eligible** for paid court leave because they are litigants or have other personal or familial interest in the proceedings may request to use annual leave, personal leave, compensatory time or leave without pay in order to attend a judicial proceeding.
4. Employees who are required to appear in court on behalf of GBA, GSFIC or SPC are in work status. No leave or leave without pay will be charged.
5. Employees who are summoned to an administrative hearing, are expected to appear (e.g., before the State Personnel Board, Office of State Administrative Hearings, Unemployment Compensation, State Board of Workers' Compensation, Commission on Equal Opportunity, etc.). Employees are considered to be in work status (no leave or leave without pay will be charged) during the time that they are required to attend the proceeding and travel to and from the proceeding.
6. Employees who are summoned to appear in court on a State observed holiday or on a scheduled day off, are not entitled to additional time off.



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Payment Non-Payment for Service

1. Employees may accept a nominal fee paid by the court to cover incidental expenses (parking, gas, etc.) under the following circumstances
 - While on jury duty;
 - While serving as a witness (not performing job duties); and,
 - While serving as an 'expert in the field' (not performing job duties).
2. Employees who appear in court as a part of their job duties are NOT to personally receive this fee since these employees are eligible for reimbursement of travel and related expenses. Any fee issued should be forwarded to the appropriate representative for deposit in the GBA, GSFIC or SPC account.