

Personnel Rule 3.10 - Jury Duty or Testimony as Witness: Compensation

3.10.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-Making Authority

SMC 4.20.220 and subsequent revisions thereto, Jury Duty or Subpoena as Witness—No Loss of Pay

3.10.1 Definitions

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- B. "Overtime threshold" shall mean a combined total of 40 straight-time hours of work and/or paid leave, per workweek. Hours worked beyond the overtime threshold must be compensated at the appropriate overtime rate of pay.
- C. "Political subdivision (of the State)" shall mean a county or a city in the State of Washington.
- D. "Regularly appointed employee" shall mean an individual with an exempt, probationary or regular appointment to a position of City employment.
- E. "State" shall mean the State of Washington.
- F. "Workweek" shall mean a designated block of 168 hours within which an employee's work schedule is contained.

3.10.2 Application of this Rule

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes compensation conditions that conflict with the provisions of this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing unit, provided that such procedures do not conflict with the provisions of this Rule.

3.10.3 Compensation Conditions for Jury Duty

- A. An employee who serves on jury duty during his or her normal work hours shall be paid his or her regular straight-time compensation for such service. Time spent on jury duty during normal work hours shall count as hours worked toward an hourly employee's overtime threshold.
- B. An employee who serves on jury duty on a scheduled day(s) off or during non-work hours is not entitled to receive his or her regular compensation for such service. Time spent on jury duty during non-work hours or days off does not count toward an hourly employee's overtime threshold.
- C. If an employee is instructed to report to jury duty more than one hour after the start of his or her normal work day, or is excused from jury duty more than 1 hour before the end of his or her normal work day, he or she shall notify his or her supervisor. The supervisor shall direct the employee whether to report to work before reporting to jury duty or after being released from jury duty for the day.
- D. In order to receive his or her regular compensation for time served on jury duty during normal work hours, an employee must turn in to the City the total amount of money received from the court for jury duty, minus the amount that is designated as a transportation allowance.

3.10.4 Compensation Conditions for Testimony as a Witness

- A. An employee who is subpoenaed to serve as a witness on behalf of the State or a political subdivision thereof in a criminal or civil proceeding during his or her normal work hours shall be paid his or her regular straight-time compensation for such service. Time spent away from work during normal work hours for this purpose shall count toward an hourly employee's overtime threshold.
- B. An employee who serves as a witness on behalf of the State or a political subdivision thereof on a scheduled day(s) off or during non-work hours is not entitled to receive his or her regular compensation nor is such time counted toward an hourly employee's overtime threshold, unless the employee is required to provide testimony as a direct result of his or her City employment.
- C. If an employee is instructed to arrive at a proceeding for purposes of providing testimony more than 1 hour after the start of his or her normal work day, or is excused from the proceeding more than 1 hour before the end of his or her normal work day, he or she shall notify his or her supervisor. The supervisor shall direct the employee whether to report to work before reporting to or after being released from the proceeding.
- D. In order to receive his or her regular compensation for time served as a witness, an employee must turn in to the City the total amount of witness fees received for his or her testimony, minus the amount that is designated as a transportation allowance.