

CITY PERSONNEL POLICY
JURY DUTY/WITNESS IN LITIGATION

Policy # 19-00

Approved by Personnel Board: 8/26/99

Michele Frost, Personnel Director

Approved by City Council: 4/4/00

Council President Paul Koneck

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

From time to time, it is recognized that City employees will be required by law to appear as witnesses in various types of litigation and will be required to serve on jury duty and as election officials. The following shall govern such activities.

Witness In Litigation

If an employee is required by operation of law (subpoena or other official document which requires the employee's appearance) to appear as a witness at a hearing, deposition, trial, or any other legal proceeding during the employee's regularly-scheduled work time, such employee shall notify his/her supervisor as soon as possible.

1. If an employee's normal City job duties entail the safekeeping of City records which are subpoenaed on a regular basis for litigation purposes, the appearance at such deposition (records depositions) shall be considered ordinary hours worked. The employee will be compensated at straight time or overtime, if applicable. Work schedules may be adjusted by the City as deemed appropriate. Any fees paid for such appearance shall be turned over to the City.
2. If an employee's normal City job duties do not entail the safekeeping of City records which are subpoenaed on a regular basis, and,
 - a) If such appearance is for a proceeding not involving the City as an interested party, the employee will be allowed the necessary leave time (annual leave or leave without pay). Any fees paid for such appearance shall be the property of the employee.
 - b) If such appearance involves the City as an interested party and such appearance is, in fact, required by the City as a party to the litigation, such appearance, whether as a consequence of subpoena or otherwise, shall be considered ordinary hours

- worked. The employee will be compensated at straight time or overtime, if applicable. Work schedules may be adjusted by the City as deemed appropriate.
- c) If such appearance involves the City as an interested party and such appearance is required by another party to the litigation, the employee may choose to appear on City time or may be granted leave time (annual leave or leave without pay) for such appearance. If the employee appears on City time, any appearance fee paid shall be turned over to the City. If the employee appears on his/her leave time, such employee shall be allowed to keep any witness fees.

Jury Duty and Election Duty

If an employee is required by operation of law to serve jury duty or to serve as an election official, the employee may choose to so serve on City time or may be granted leave time (annual leave or leave without pay) for such appearance. If the employee serves on City time, any fee paid for such service shall be turned over to the City. If the employee serves on his/her leave time, such employee shall be allowed to keep any service fee. If the employee serves on City time, he/she may be required to report for duty during those times during work hours which he/she is dismissed from being present for jury duty.

If an employee is part of a 24-hour shift operation, such employee will be granted leave time for any shifts occurring within a day for which jury service is required. In order to be granted leave time, it is not necessary that the jury service hours actually include or overlap the shift hours for which leave time is requested.

The Finance Director shall, from time to time as appropriate, issue guidelines outlining the manner and method of compliance with this policy.