

**DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL**

**Personnel  
Directive**

Subject: PROCEDURES RELATING TO  
JURY DUTY FOR PUBLIC WORKS  
EMPLOYEES

***ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES***

June 20, 2007

PERSONNEL DIRECTIVE NO. 1

BACKGROUND

In 1966, the Board of Public Works originally adopted Personnel Policy No. 1 entitled "Jury Duty by Employees." This policy not only formalized the Board's commitment to insuring that all Department employees fulfill their civic duty of performing jury service when called, but also provided the basis for the development of a uniform procedure to insure compliance with applicable statutory, administrative code and labor contract provisions.

Accordingly, Personnel Directive No. 1 was developed and implemented, which established the procedure to be followed in releasing and compensating employees for jury duty.

Like all procedures, this one requires periodic review and revision to insure that current circumstances and requirements are being addressed, i.e., check applicable MOU, etc.

PROCEDURE

I. Purpose:

This procedure has been developed to implement revised Personnel Policy No. 2 now entitled "Jury Duty/Civic Duty;" and to insure compliance with applicable statutory, administrative code, and Memoranda of Understanding provisions.

II. Types of Jury Service

A. One Day/One Trial Jury Service. Under this system, jurors are required to telephone the Court during a five-day period, as instructed on the summons. If the prospective juror is instructed to report to the courthouse and is not chosen for a trial, then his/her time of service is considered complete. If a juror is selected to serve on a trial, the time of service obligation will be fulfilled at the conclusion of the trial (regardless of duration).

B. One Trial/Ten Days. This service requires that jurors either 1) serve on one trial, regardless of duration or, 2) report for jury duty for ten days. If selected as a juror or alternate, the obligation is concluded upon completion of the case. Jurors who have not been assigned to a courtroom as a sworn or alternate juror will be excused at the conclusion of the tenth day of service. Jury service may not necessarily occur on consecutive days.

- C. Stand By/Call In Service. Under this program, courts may require the prospective juror to call in for same-day service starting at 1:30 p.m. or on a 45-minute notice. If this type of jury service is not convenient for the employee or the bureau, a request for jury service on a specific date may be submitted.

### III. Payment of Salary During Jury Service:

According to the Los Angeles Administrative Code, Section 4.111, a City employee (full time and half time) who is summoned to attend any court for the purpose of performing jury service or who is nominated and selected to serve on the Grand Jury of Los Angeles County, shall receive his/her regular salary for those days during which service is actually performed. "Regular salary" shall include an employee's authorized premium pay up to, but not to exceed, 8 hours of Jury Duty (JD) paid leave per workday. All paid leave is computed on an hourly basis, not a workday basis.

- A. An employee who receives a summons for jury service shall show it to his/her supervisor as soon as possible. The supervisor shall then make the necessary arrangements to cover the employee's duties while the employee is on jury duty. If certification or proof of jury service is not provided by an employee, that employee's time shall be changed to unauthorized leave.
- B. While on jury duty, an employee shall request a "Certification of Jury Service" from the Clerk of the Court. This is available at any Court. This form gives the exact dates of the employee's jury service and may be issued by the Court on a weekly or bi-weekly basis or at the close of the employee's jury duty period.
1. After each certification form is received by the employee, it shall be submitted to the employee's supervisor as soon as possible, and in no case later than the second day that the employee is back to work after the end of jury service.
  2. It is the supervisor's responsibility to obtain the Certification from the employee and then to forward it to the Bureau's payroll section.
- C. While on jury duty, an employee also shall:
1. Report for work on any day not required for jury service, unless the employee requests and receives approval to use accumulated overtime or vacation time;
  2. Request sick leave in the usual fashion for any period of illness during jury service.
- D. In accordance with the Administrative Code, a regularly assigned night employee called to jury duty will continue to receive the night premium while serving jury duty. It is the responsibility of the employee's Bureau to arrange shifts to permit an employee equivalent time off for time served on jury duty.

## IV. Work Schedule Options for Jury Duty

As a general policy, employees on alternative work schedules (9/80, or 4/10) should be placed on a 5/40 (eight-hour days) for the duration of jury service. However, since most jury service may only last one to two days, moving an employee to eight-hour days for an entire pay period may not always meet bureau operational needs or an employee's routine (vanpools, child care, etc.). Therefore, management may at their discretion permit employees to remain on an alternative work schedule as indicated in Section B below.

## A. General Practice: Placing an employee with an alternative work schedule on a 5/40 schedule for the duration of jury duty.

1. The employee's work hours are changed to eight-hour days at the beginning of the pay period in which jury duty begins.
2. The employee must remain on eight-hour days for the entire pay period.
3. The employee can resume his/her alternative work schedule at the beginning of the pay period after jury service is completed.
4. The employee's official FLSA workweek designation should not be changed.

## B. Optional Practice: Keeping the employee on his/her alternative work schedule while on jury duty.

1. The employee will remain on the alternative work schedule (9/80 or 4/10) and receive eight hours of jury service compensation for each day served on a regular working day (unless the employee is excused early from jury duty and can return to work to complete his/her work day).
2. For each regular working day an employee serves on jury duty, his/she must make up the difference between the eight compensated jury duty hours and his/her alternative work schedule hours. The alternatives for making up the difference are as follows:
  - a. Use an hour of vacation time.
  - b. Use compensatory time.
  - c. Work an extra hour during the workweek of jury service.
  - d. Use leave without pay.
3. Employees who serve on jury duty on their RDO shall not receive additional compensation. However, they are not required to return jury service fees to the City for jury duty served on their RDO.

## V. Payment of Jury Fees by the Employee to the City (Applies to Federal Courts Only):

In accordance with the Administrative Code, as may be amended by MOU provisions, an employee shall receive his/her regular salary while performing jury duty, any jury attendance fees received by the employee, except those received for jury service

performed on a regular day off, on an employee's own time, or on a holiday, shall be paid by the employee to the City by check or money order payable to The City of Los Angeles.

Effective August 16, 2004, State, county, and other municipal courts stopped paying the daily juror stipend to government employees who are compensated for jury service by their government employer. These courts will continue to issue checks for mileage costs, which employees are entitled to either keep or donate back to court programs.

The following instructions apply to jury service at federal courts only.

- A. No City Employee is authorized to waive jury duty fees. The employee will **therefore** receive a check for jury duty fees from the Court. The employee should deduct any mileage fees, or attendance fees received for jury service on a regular day off or holiday, from the amount of the check. The remaining amount must be paid to the City.
- B. After receipt of jury duty fees from the Court, the employee shall pay the whole amount owed immediately. Payment should be made through the Bureau's payroll section by check or money order payable to the City of Los Angeles.
- C. If the employee fails to pay the amount of attendance fees within 30 days after the completion of jury duty, the Bureau's payroll section shall notify the employee of this obligation. According to the Administrative Code, failure to pay the jury attendance fees may result in the Controller deducting an equivalent amount from the employee's paycheck.

VI. Excuse or Deferment from Jury Service:

State law permits a Court to excuse a person from jury service only upon finding that the jury service would entail undue hardship on the person or on the public served by the person. Therefore, excusals are very rare. However, it may be possible to obtain deferment of jury service for a short period of time when adequate justification is presented.

Employees who have personal hardships should address them to the Court from which the summons is received. A Bureau or Office Director may write to the Jury Commissioner requesting delayed service or excuse for a critical need. The letter should briefly explain the need for delay or excuse. All letters must include a copy of the summons and must be endorsed by the employee as follows:

"I concur with this request \_\_\_\_\_  
John Q. Employee"

NOTE: Service on a civil Grand Jury is voluntary and usually lasts for 12 months. Under the provisions of Section 4.111 of the Los Angeles Administrative Code, employees who have been nominated and selected to serve on a Grand Jury are entitled to paid leave for this purpose. However, in most instances nominees have been asked to provide a letter from their employer

indicating a willingness to allow such service. The Department of Public Works is not obligated to support the nomination and should not agree to such service (Personnel Policy No. 2). However, service on a criminal Grand Jury is mandatory according to California Penal Code Section 904.6 (e) and is usually limited to 30 days. The Department of Public Works is supportive of criminal Grand Jury service for up to 30 days.

Reference: Sections 4.75(a), 4.111 Los Angeles Administrative Code  
Employee Relations Bulletin, October 30, 2003  
Personnel Policy No. 2