

## V:02:05 CIVIL LEAVE

Any employee, except for a temporary employee with a contract of less than six (6) months, shall be granted civil leave when, in obedience to a subpoena or direction by proper authority, the employee appears as witness for the Federal government, the State of Tennessee, or a political subdivision of the State, or when it is necessary to attend any court in connection with official duties or serve on a jury in any State or Federal Court.

In accordance with TCA 22-4-108, the employee shall be excused from returning to employment for any scheduled work day that such employee's responsibility for jury duty exceeds three (3) hours during the day for which an excuse is sought. Travel time is not to be included in determining whether or not an employee's actual jury duty service has exceeded three (3) hours.

Upon a juror's request, which must be made prior to each day's service, the person responsible for issuing fee and or compensation statements shall provide the juror's employer a statement that shows the number of hours that the juror spent serving if service has been less than three (3) hours. Employees serving less than three hours on a scheduled work day shall return to work for the remainder of their work day.

However, if an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from his/her employment as provided by this section for the shift immediately preceding his/her first day of service on any lawsuit. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day then such person shall be excused from his/her next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of the provisions of this paragraph to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

The employee shall retain all compensation or fees received as a witness or juror. The employee may be required to provide a statement from the court which includes dates and times of service and any compensation received.

The employee shall also receive his/her regular institutional compensation as follows: Payment for time served on civil leave and time spent traveling to and from court shall be made at the employee's regular rate of pay, except that such compensation shall not exceed the total of the employee's regularly scheduled daily pay. Travel expenses (mileage) and parking fees will not be paid by Volunteer State Community College.

Employees involved in personal litigation, or who serve as witnesses in private litigation, shall be charged with annual leave or leave without pay.

TBR Source: 5:01:01:05: TBR Meetings: August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 2, 1987; September 16, 1988; March 19, 1993; December 5, 1997 (See Note below.); September 17, 1999 (Approved by Finance and Administration August 8, 2000); September 23, 2004 (Approved by Finance and Administration November 17, 2004). Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only. The change permitting employees to receive their regular pay and retain all compensation received from the court was

approved at the December 5, 1997 meeting and became effective January 10, 1998. This change was prospective only.

VSCC Source: November 11, 1987, President; March 22, 1999, President; January 6, 2009, President's Cabinet