

## PERSONNEL

### Subpoenaed Witness, Jury Duty, and Court Appearance Leave

This Regulation provides guidelines for granting paid leave time to employees who are compelled to appear in court due to a subpoena or summons or as a crime victim.

#### A. Leave Covered under this Regulation

Employees shall not have any accrued leave deducted and are permitted to receive paid leave under this Regulation if the employee must ~~atttend~~attend a court hearing or related deposition for any of the following reasons:

1. As required to serve on jury duty;
2. As a witness in a court proceeding or deposition as compelled by a subpoena or summons;
3. To accompany the employee's minor child when the child is legally required to appear in court as a party or a witness to a legal matter; ~~or~~
- ~~3-4.~~ As a party to a civil case; or
- ~~4-5.~~ To appear at criminal proceedings as a crime victim<sup>1</sup>.

#### B. Leave not Covered under this Regulation

Paid leave is not provided to an employee who:

1. is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony,
2. has received a summons to appear in traffic court (except as a witness); or
- ~~3. is a party to a civil case, either as plaintiff or defendant, or who has any personal or familial interest in the proceedings.~~

Employees may use accrued annual leave, personal reasons leave, overtime, and/or compensatory leave balances for court proceedings that do not qualify for paid leave under this Regulation.

#### C. Other court duties

Employees attending court, within their official capacity as a School Board employee as defined in Policy 4-51, are considered on work time and shall not have ~~not have~~ any accrued leave deducted.

The Office of Employee Relations will determine the applicability of this Regulation if the court appearance concerns a school-related matter.

#### D. Responsibilities

1. Employees must give as much notice as possible to their administrators in advance of the court appearance and provide a copy of appropriate supporting documents. The following documents are accepted to support paid leave:
  - a. Jury Summons: An official document requiring an individual to appear in court and potentially to serve on a jury. Failure to comply may result in legal consequences, including a finding of contempt of court;
  - b. Subpoena: An official document requiring an individual to appear in court as a victim, witness, or other participant in a legal proceeding. Failure to comply may result in legal consequences, including a finding of contempt of court.
  - c. Administrative Summons: An official document requiring the presence of the named individual for a specified legal procedure. For example, the Division of Child Support Enforcement of the Department of Social Services has the authority to issue summonses and compel compliance under Code of Virginia §63.2-1903 F, as amended.
  - d. Copy of the form provided to the employee as a crime victim by the law-enforcement agency pursuant to subsection A of § 19.2-11.01 and, if applicable, provide a copy of the notice of each scheduled criminal proceeding.
2. Employees are responsible for returning to work as appropriate when the approved court duties end and for notifying their supervisors if they are unable to return to work as expected. Should as much as two hours of the workday remain, the employee must return to work or request approval to charge the remainder of the workday to an appropriate leave type such as annual or personal reasons leave. Employees who are summoned to appear for jury duty for four or more hours, including travel time, in one day shall not be required to start any work shift that begins on or after 5:00 pm on the day of appearance for jury duty or begins before 3:00 am on the day following appearance for jury duty.
3. Employees may use only the time away from work that is necessary to perform the appropriate court duties plus reasonable travel time.

4. Employees are responsible for providing appropriate documentation concerning court duties and travel time needed, and for completing appropriate leave requests. Failure to provide supporting documentation may result in the employee's absences not being charged in accordance with this regulation.

#### **E. Compensation:**

Any money received by the employee for jury duty, witness fees, travel expenses or other expense reimbursements may be retained by the employee.

#### **Legal Reference**

Code of Virginia § 18.2-465.1, as amended. Penalizing employee for court appearance or service on jury panel.

Code of Virginia § 18.2-57, as amended. Assault and battery; penalty.

Code of Virginia § 18.2-57.2, as amended. Assault and Battery against a family or household member; penalty.

Code of Virginia § 18.2-60.3, as amended. Stalking; penalty.

Code of Virginia § 18.2-67.4, as amended. Deposition of complaining witnesses in cases of criminal assault and attempted criminal sexual assault.

Code of Virginia § 18.2-67.5, as amended. Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery and sexual battery.

Code of Virginia § 18.2-51.4, as amended. Maiming, etc. of another resulting from driving while intoxicated.

Code of Virginia § 18.2-266, as amended. Driving motor vehicle, engine, etc. while intoxicated, etc.

Code of Virginia § 63.2-1903, as amended. Authority to issue certain orders; civil penalty.

#### **Related Links**

School Board [Policy 4-51](#)

Approved by Superintendent: July 16, 1991

Revised by Superintendent: December 13, 2002

Revised by Superintendent: August 28, 2015

Revised by Superintendent: November 29, 2017

[Revised by Superintendent: 2024](#)

**Footnotes**

<sup>1</sup> A Crime Victim is defined as a person who has suffered physical, psychological or economic harm as a direct result of the commission of a felony or of assault and battery in violation of Virginia Code § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266; (ii) a parent or legal guardian of such a person who is a minor; or (iii) a spouse, parent, sibling or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide.

APPROVED AS TO  
LEGAL SUFFICIENCY

*Ronald H. [Signature]*  
3/19/24

*[Handwritten Signature]*