

Jury and Witness Duty

The Bismarck School District recognizes that jury duty is an important public service. Therefore, in accordance with NDCC 27-09.1-17, no employee of the District will be deprived of employment, laid off, threatened, or otherwise coerced as a result of the employee receiving or responding to a jury summons or subpoena, serving as a juror or witness pursuant to a summons or subpoena, attending court for jury service, or to give witness testimony pursuant to a subpoena or in accordance with this policy.

Jury Duty

The District encourages all its employees to fulfill their civic responsibilities by serving as jurors. Therefore, the District protects employees from a loss of income while performing required jury duty. If an employee is selected to serve on a jury, the employee will be compensated their normal base wage if the jury duty is scheduled on the employee's scheduled work day.

- **Non-exempt Employees**

During jury duty non-exempt employees shall be paid regular wages based on the number of hours typically worked, but not to exceed 40 hours per week; deductions of the amount earned as a juror will be made from regular district paychecks excluding reimbursement for expenses accrued while serving as a juror. However, if an employee is on authorized personal or vacation leave while performing jury duty, the employee may retain the fee paid by the court and the employee's pay shall not be reduced.

- **Exempt Employees**

Exempt employees shall be paid regular wages, deductions of the amount earned as a juror will be made from regular district paychecks excluding reimbursement for expenses accrued while serving as a juror. However, if an employee is on authorized personal or vacation leave while performing jury duty, the employee shall retain the fee paid by the court and the employee's pay shall not be reduced.

Witness Duty

An employee subpoenaed to appear in Court as a representative of the District will be paid regular base pay and will not be required to use vacation time for this absence.

- **Non-exempt Employees**

When subpoenaed to appear as a witness on behalf of the District, non-exempt employees shall be paid regular wages based on the number of hours typically worked, but not to exceed 40 hours per week; deductions of the amount earned as a juror will be made from regular district paychecks excluding reimbursement for expenses accrued while serving as a juror. However, if an employee is on authorized personal or vacation leave while performing jury duty, the employee shall retain the fee paid by the court and the employee's pay shall not be reduced.

- **Exempt Employees**

Deductions of the amount earned as a juror will be made from regular district paychecks excluding reimbursement for expenses accrued while serving as a witness. However, if an employee is on authorized personal or vacation leave while performing jury duty, the employee shall retain the fee paid by the court and the employee's pay shall not be reduced.

An employee subpoenaed to appear in Court or hearing as a witness in a case not involving the District will be granted time off from work to appear in Court, however, employees will not be paid by the District unless they elect to use vacation/personal time.

Expert Testimony

Employees shall not voluntarily serve as an expert witness unless such service is not in conflict with the interests of the District and is preapproved by administration.

End of Bismarck Public School District Policy DDEA

Adopted: 12/12/2016

Revised: 8/9/2022