

**AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL**

| | |
|---|---|
| Policy Number: 5:039 | Supersedes Policy Number: 5:039 |
| Date: February 22, 2000 | Dated: February 20, 1998 |
| Subject: Civil Leave | |
| Initiating Authority: Vice President for Finance and Administration | TBR Policy/Guideline Reference: 5:01:01:05 |
| Approved: President: Signature on File | |

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 to 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 workday that such employee's responsibility for jury duty exceeds three (3) hours during the day for which an excuse is sought. Employees serving less than three (3) hours on a scheduled workday shall return to work for the remainder of their workday. Travel time is not to be included in determining whether or not an employee's actual jury duty service has exceeded three (3) hours.

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 the 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 the institution.

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