



# ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7144

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CATEGORY: **Personnel, Leaves/Absences**

EFFECTIVE: **1-29-62**

SUBJECT: **Jury Duty**

REVISED: **1-06-03**

## A. PURPOSE AND SCOPE

1. To outline the law and administrative procedures to be followed when an employee is called for jury duty.
2. **Related Procedures:**  

Certificated substitutes for illness/emergency .....	7290
Personnel business leave .....	7134

## B. LEGAL AND POLICY BASIS

1. **Reference:** Board Policy I-2460; Education Code Sections 44036, 44037; Labor Code Section 230; Code of Civil Procedure Sections 98–200; Collective Negotiations Contracts.

## C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Payroll Unit, Employee Services Department, Human Resource Services Division, Office of the Superintendent.
2. A monthly employee regularly called for jury duty will be granted a paid leave of absence for days actually served and is permitted to keep any jury duty stipends received.
3. Certificated employees are not exempt from jury duty.
4. Only regular monthly employees are eligible to receive salary during their regular assignment (i.e., excluding summer school) while on jury duty. *Hourly employees and substitute teachers* are not paid by the district for hours not worked.
5. It is unlawful to encourage, solicit, or suggest that any employee seek exemption from jury duty, but it is lawful to discuss with an employee the practicality of seeking exemption or postponement. The jury commissioner is empowered to grant excuses from jury service in cases of undue hardship on the person or the public served by the person.
6. Employees are expected to return to work when they serve only a partial day on jury duty. Determining factors are time of release, travel, distance, shift assignment, and classification. As a general guideline (unless otherwise specified in the collective

negotiations contract) an employee may be excused from work if actual time of jury service or examination equals or exceeds three-fourths of the hours in the employee's normal workday. The employee's supervisor determines whether the employee must return to work after considering factors in each case.

**Note:** Employees on jury duty who are placed on "telephone standby" must report to work during those days.

7. **Substitute teachers** serve a complete school day even though individuals for whom they are substituting may not be selected for duty and are required to return to school. (Half-time assignments for substitutes are not encouraged [Procedure 7290].) A certificated employee returning from jury duty may complete the classroom assignment or work on other duties at the discretion of principal.

## **D. IMPLEMENTATION**

### **1. Employee**

#### **a. Upon receipt of jury summons**

- (1) Notifies supervisor, who *may* discuss the practicality of seeking exemption or postponement when acceptance would tend to materially disrupt district operations but *may not* encourage, solicit, or suggest seeking exemption.
- (2) Responds as directed by agency issuing jury summons. Exemption or postponement, if desired, should be requested during conference in jury commissioner's office or in written response, as required by agency issuing jury summons.
- (3) If necessary, in responding to initial summons to determine eligibility, employee may be excused from duty without loss of pay for a period of not more than two hours (Procedure 7134).

#### **b. Upon receiving orders to report for jury duty**

- (1) Completes "Request for Short Term Leave" by checking "Jury Duty"; attaches official jury summons; submits to principal/department head.

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- (2) At the end of each calendar month or at the end of duty, submits properly executed jury attendance certification (obtained from and signed by court clerk) to the Payroll Unit, Employee Services Department; failure to do so may result in pay warrant being delayed.
- (3) If released from jury duty after partial day of service, phones supervisor for decision on whether return to work is required.
2. **Principal/department head** approves leave; forwards request and jury summons to the Payroll Unit, Employee Services Department; requests substitute, if needed.
3. **Time recording secretary** enters information concerning absence on official time sheet.
4. **Human Resource Services Division** supplies substitute as requested.
5. **Payroll Unit**, Employee Services Department, audits time sheets and jury attendance certification forms (E.1.) to verify actual days served by employee in order to determine proper pay status.

#### **E. FORMS AND AUXILIARY REFERENCES**

1. Certification of Jury Service (Federal) or Attendance Certification (State), from Court Clerk
2. Request for Short Term Leave, Stock Item 22-R-2733

#### **F. REPORTS AND RECORDS**

#### **G. APPROVED BY**



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Chief of Staff, Terrance L. Smith  
For the Superintendent of Public Education