

Department of Finance and Administration  
Office of Personnel Management

Policy Title: **Serving as a Juror or Witness**

Policy Number: **58**

Authority: **Ark. Code Ann. §§ 16-43-806; 21-5-104; 21-4-213**

Revised: **July 1, 2017**

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Serving as a Juror

A state employee serving as a juror in state or federal court is entitled to the following:

1. Full compensation;
2. Any fees paid for such services; and
3. Is not required to use annual leave.

Any state agency that deducts any juror fees from an employee's compensation is guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25) up to two hundred fifty dollars (\$250). Violation of this law constitutes grounds for dismissal.

Serving as a Witness

If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before anybody with power to issue a subpoena, the state employee is:

**1. Entitled to his or her salary\***

- a. If the employee is a witness in a matter within the employee's scope of employment, or
- b. If the employee is a witness outside the scope of employment and the employee is not serving as a paid expert witness or is not a party to the matter.

**2. Entitled to witness fees**

- a. If the employee is a witness in a matter outside the employee's scope of employment, or
- b. If the employee is a party to the matter other than as a representative of the state employer.

**3. Entitled to mileage fees**

- a. If the employee is a witness in a matter within the employee's scope of employment and the employee uses a personal vehicle for travel in obeying the subpoena and the agency does not reimburse the employee for travel expenses; or
- b. If the employee is a witness in a matter outside the employee's scope of employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.

**4. Required to use annual leave\***

- a. If the matter is outside the employee's scope of employment, and
- b. If the employee is serving as a paid expert or is a party.

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If an employee is subpoenaed as a witness to appear on a non-work day, the employee may retain any witness and mileage fees rendered to him or her.

**Law Enforcement Officer**

Any public servant vested by law with a duty to maintain public order or to make arrests for offenses.

\*A law enforcement officer who is subpoenaed to appear when the officer is not scheduled for regular duty is not entitled to salary. The officer is entitled to retain any witness or mileage fees.