

## Office of Personnel Management

### Policy

<b>Policy Title:</b> Court and Jury Leave	<b>Policy Number:</b> 50.03
<b>Citation:</b> Arkansas Code Annotated § 21-4-213; § 16-43-806	<b>Forms:</b> None

#### Specific Provisions

A state employee serving as a juror in state or federal court shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in any court shall not be counted as annual leave.

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 any body with power to issue a subpoena, the state employee is:

1. Entitled to his or her salary if the employee is a witness in a matter: that is within the employee's scope of state employment; or outside the employee's scope of state employment and the employee is not serving as a paid expert witness or is not a party to the matter.
2. Required to take annual leave to attend the deposition, hearing, or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter.
3. Entitled to retain any witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is: outside the employee's scope of state employment; or the employee is a party to the matter other than as a representative of the state employer.
4. Entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is: within the employee's scope of state employment and the employee uses a personal vehicle for travel in obeying the subpoena and the employee's employer does not reimburse the employee for travel expenses; or outside the employee's scope of state employment for travel in obeying the subpoena.
5. Allowed to retain any witness and mileage fees tendered to him or her if the state employee is subpoenaed to appear on a non-work day.

If a law enforcement officer is subpoenaed to appear at a time when the officer is not scheduled for regular duty the officer shall be entitled to retain witness and mileage fees tendered to the officer.

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Employees who work night shifts and are required to serve in court during the day or are subpoenaed as a witness to give a deposition in a court or hearing, not involving personal litigation or service as a paid witness outside the scope of state employment, shall be allowed to take court and jury leave on the night shift of the day on which they served.

January 2012