



JURY DUTY OR WITNESS LEAVE – CERTIFICATED AND CLASSIFIED STAFF  
As approved by the CMP Governing Board on April 18, 2005 (lmrc)

The California Montessori Project encourages employees to fulfill their civic responsibilities by serving on jury duty when required. As a public charter school, CMP also acknowledges the importance of having campus staff in attendance during all instructional days. As such, upon receiving a notice or summons for jury duty, the staff member is directed to immediately contact the jury commissioner's office and request a postponement of service until the next regularly scheduled intersession period. The staff member shall also provide a copy of the summons/notice to the staff member's principal and the human resources department. A letter reconfirming the request for postponement will be provided by the employer for submission to the jury commissioner's office.

An employee who is called to make a court appearance as a litigant, expert witness, or because he/she is involved due to his/her own participation and misdoings is not eligible for paid leave.

**Certificated employees:** In the event that the employee's postponement is denied, the employee must provide proof of the original request for postponement and the denial decision of the jury commissioner's office. The employee must also complete a request for leave form and submit these items to the campus principal and a copy to the human resources department.

In the event that the employee is required to serve after requesting a postponement or in the event that jury duty service which originated during the intersession period runs into the regular school schedule, CMP shall approve up to ten days of jury/witness leave during any 12 month period without affecting the employee's salary or benefits. The employee may notify the court that all jury/witness leave lasting more than ten days will be on a non-paid basis. Employee will have the option of using any accrued leave allowance if non-paid leave is in effect.

**Classified Full-Time employees:** In the event that the employee's postponement is denied, the employee must provide proof of the original request for postponement and the denial decision of the jury commissioner's office. The employee must also complete a request for leave form and submit these items to the campus principal and a copy to the human resources department.

CMP acknowledges that full-time classified staff do not have access to the employment breaks offered to teachers during intersession. Because full-time classified employees are scheduled to work year round, these employees will receive up to ten days of jury/witness leave during any 12 month period without affecting the employee's salary or benefits, regardless of the time of year that the employee is required to report for service. The employee may notify the court that all jury/witness leave lasting more than ten days will be on a non-paid basis. Employee will have the option of using any accrued leave allowance if non-paid leave is in effect.

**Certificated/Classified Part-Time Employees:** As with all other employee benefits, temporary or part-time employees are not eligible for paid jury duty benefits.

**Receipt of payments from the court:** Paid jury/witness leave shall be offset by any amounts that the employee receives from the court for service. Employees shall provide employer with a statement from the court as to the amount of these fees. Employees will seek the collection of jury duty fees and will not

waive such fees. Court payments for travel expenses will be retained by employees. If employees elect to retain the jury duty fees, such jury duty time off is not compensable.

**Work Attendance:** If jury duty is canceled or ends before the end of the workday, it is the employee's responsibility to report for work for the remainder of employee's regularly scheduled work day.

Evidence of jury duty attendance must be attached to employee's time record and presented to CMP's Human Resources office to authorize any pay during the initial jury/witness leave benefit period. Failure to produce such records will result in unexcused leave. In those circumstances, an employee may be required to take leave without pay or use accrued leave allowance. The employee should continue to report for work on those days or parts of days when excused from jury duty or when jury duty does not conflict with his/her work schedule.

**Reinstatement of Duties:** Employees serving on long-term jury duty will be reinstated to the same position held when the leave began, unless the position has been eliminated due to business necessity or the employee is otherwise unable to perform the essential functions of the job. Long-term jury duty will be defined on a case by case basis contingent upon the information provided by the employee at the time of jury selection.

**Status of Employee Benefits While on Jury Duty Leave:** All employee benefits in which the employee is enrolled will continue while the employee is on any paid or unpaid jury duty leave. Employee continues to be responsible for payment of any additional premiums incurred, just as if the employee was not on leave status.

**Employee Guidance and Assistance:** Employees are encouraged to contact the Human Resources Department in the event of any court summons. The Human Resources Department is available to answer your questions and provide information on process, limitations, and eligibility for benefits under the provisions of this policy. Additional questions may be directed to the Human Resource Department at (916) 971-2432 or by email to the Human Resources Administrator.

*Pursuant to recent Legislation, California jurors are not paid mileage or per diem for the first day service; however, jurors are paid \$15.00 per day plus mileage at the rate of .34 cents per mile round trip from your residence to the courthouse for the second and each succeeding days of service.*