

Court Leave

Permanent and/or regular full-time or part-time employees who are summoned to perform jury duty, or to serve as a witness in a nonofficial capacity for the United States, District of Columbia, or a state or local government, are entitled to be absent without loss of pay or charge to annual leave. This absence is called Court Leave and must be annotated as such when reporting time and attendance. Intermittent/flexible employees or employees on leave without pay are not entitled to court leave.

When called to jury or witness duty, the employee must provide the summons or other official request to the supervisor. Documentation verifying attendance in court must be provided when the employee returns to duty from court leave. Court leave is only granted for the days and hours an employee would otherwise be in a pay status. If excused by the court before the end of their duty day, the employee must contact their supervisor to determine if they are required to return to work for the remainder of the duty day. Per the Negotiated Agreement Article 13 - the employee is expected to report to work, provided the employee can reasonably be expected to perform three (3) or more hours of work on his/her tour of duty. The employee may request annual leave or leave without pay to cover the same number of hours the employee could have worked if they do not wish to return to the work site. However, the employer may require an employee who is released by the court to return to duty for the remainder of the work shift, a portion of the work shift or for overtime if work conditions require it.

An employee who is summoned as a witness in an official capacity on behalf of the Federal government is on official duty, not court leave. Employees are not entitled to court leave to participate in judicial proceedings between private individuals or companies that do not involve the United States or a state or local government.

Since employees are receiving full pay and benefits while on court leave, they must reimburse the Federal government for any fees they receive as a juror or witness. Employees may keep any part of the payment that is for expenses such as mileage, meals, and lodging.

The employee must submit any fees received to their employing activity Customer Service Representative (CSR) or NAF Civilian Personnel Representative in the form of a money order or personal check made out to the US Treasury. A certificate of attendance from the clerk of the court must also be submitted. The certificate of attendance should show inclusive dates of jury duty or witness service and any amount of fees the court paid to the employee. The certificate of attendance should separately identify fees and other allowances or expenses. Fees received by the employee are collected; however, moneys received in the form of allowances or reimbursement for expenses (such as transportation or parking expenses) are not collected. If the certificate of attendance does not identify allowances separately, then all moneys are

considered fees and must be collected. The employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service. An employee serving on a jury in a state or local court who waives or refuses to accept jury fees is still liable to the U.S. Government for the fees they would have received.

If fees are paid incorrectly to an employee who is serving in a nonofficial capacity, the employee may not retain the fees. The fees must be turned in to the CSR or NAF Personnel Representative at the employing activity. An employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned.

When a holiday occurs during the time an employee is on jury duty or witness service, the employee may keep the jury duty or witness service fee paid for the holiday.

If called to jury duty on a non-workday, then the employee may keep the fees paid.

Moneys submitted for fees collected by employees for jury duty or witness service must be accounted for on a DoD **(DD) Form 1131** (Cash Collection Voucher). Credit the appropriation and accounting classification that paid the employee's salary while the employee was on jury duty or serving as a witness with these moneys.

NOTE: Article 13 of the Collective Bargaining Agreement provides additional information for bargaining unit employees on Fort Campbell.