



employee relations **BULLETIN**

October 30, 2003

**To: Heads of All Departments
Departmental Personnel Directors**

**Subject: JURY SERVICE AND ALTERNATIVE WORK SCHEDULES
(FLSA NON-EXEMPT EMPLOYEES)**

This Employee Relations Bulletin will address jury duty compensation for FLSA non-exempt employees (hourly), the current one-day/one-trial jury service system and alternative work schedules. The State of California has implemented one-day/one-trial jury service, which has reduced the average number of days jurors served. In the Los Angeles County court system most jurors serve an average of 1.5 days. Jury service should be compensated in accordance with this Bulletin and any applicable MOU or Administrative Code provisions. Previous Employee Relations Bulletins dated March 29, 1994 and September 3, 1993 are superceded by this Bulletin.

Compensation

Full-time City employees will be compensated for time spent on jury service during regularly scheduled workdays, up to the number of scheduled work hours, but no more than eight hours a day. Employees performing jury service are considered to be on an authorized absence with pay. All paid leave is computed on an hourly basis, not a workday basis. Typically, employees on jury duty serve for eight hours a day. Normally, the courts are open Monday through Friday 8:00 a.m. to 5:00 p.m. Jurors are expected to accept all trials regardless of length unless there is a financial hardship. **Employees who are not required to report to court are expected to report to work.**

One-Day/One-Trial Jury Service

Currently most courts use the one-day/one-trial jury service system. Under the one-day/one-trial jury service system jurors are required to telephone the Court

during a five-day period, as instructed on the summons. If the prospective juror is instructed to report to the courthouse and is not chosen for a trial, then his/her time of service is considered complete. If a juror is selected to serve on a trial, the time of service obligation will be fulfilled at the conclusion of the trial (regardless of duration).

One-Trial/Ten Days

The one-trial/ten day jury service requires that jurors either: 1) serve on one trial, regardless of duration as a juror or alternate, or 2) report for jury service for ten days. If selected as a juror or alternate, the obligation is concluded upon completion of the case regardless of the duration. Jurors who have reported for ten days and are not assigned to a courtroom as a sworn or alternate juror will be excused at the conclusion of the tenth day of service. Jury service may not necessarily occur on consecutive days. In those courts where a telephone call-in service program exists, the ten days of actual reporting may extend over a 2-3 week period.

Stand-By/Call-In Service

Most jurors are summoned to report on a specific date, however a few are summoned as “stand-by” or “call-in” services. For example, courts may require noon call-in for same day service starting at 1:30 p.m. or on a 45-minute notice. If this type of jury service is not convenient for the employee or department, a request for jury service on a specific date may be submitted (see the section on Requests for Consecutive Days, Postponement or Excuse from Jury Service below).

Voluntary Jury Fee Waiver Program

In general, jurors are paid fifteen dollars (\$15.00) a day beginning on the **second** day of service, plus thirty-four cents a mile (\$0.34), one way, for mileage. Courts may have a voluntary jury fee and mileage waiver program. The funds generated are used to support court sponsored programs that serve the community and court system. During orientation all jurors are asked to waive these fees. **All City employees should be advised that they are not authorized to waive jury fees and will be required to remit the appropriate fees to the City upon completion of service.** Allowances for mileage may be waived at the option of the employee.

Los Angeles Administrative Code Section 4.111 provides for payment of salary to full and half-time employees during jury service and requires that any fees received (regardless of amount) for those days for which salary is received shall be paid to the City. Recovery of fees paid to half-time employees shall be prorated. Upon request, Courts will provide jurors and employers a form certifying the number of days jury service is performed, at the end of each week.

Alternative Work Schedule Options

Employees on alternative work schedules (9/80, 4/10, or 3/12) should be placed on a 5/40 schedule (8-hour days) for the duration of jury service as indicated in Option A below. This general policy will continue to apply to all employees on alternative work schedules. However, since most jury service may only last one to two days, moving an employee to 8-hour days for an entire payperiod(s) may not always meet department operational needs or an employee's routine (vanpools, child care, etc.). Therefore, Management may permit employees to remain on an alternative work schedule as indicated under Option B below.

OPTION A: Employee is placed on a 5/40 schedule (8-hour days) for the duration of jury duty.

1. The employee's work hours are changed to 8-hour days at the **beginning of the pay period** in which jury duty occurs.
2. The employee must remain on 8-hour days for the entire payperiod.
3. The employee can resume his/her alternative work schedule at the beginning of the pay period after jury service is concluded.
4. The employee's FLSA workweek designation **should not** be changed. Under FLSA, jury duty is not considered hours worked.
5. Reminder: If an employee performs work on a 9/80 regular (modified) day off (split day) an employee may incur overtime.

OPTION B: Employee remains on the alternative work schedule (9/80, 4/10, or 3/12).

1. The employee remains on the alternative work schedule and receives up to eight hours of jury service compensated for each day served on a regular working day (unless the employee is excused early from jury duty and can return to work to complete his/her workday).
2. For each regular working day an employee serves on jury duty, he/she must make up the difference between 8 compensated hours (jury duty) and his/her alternative work schedule hours. The alternatives for covering the difference are as follows:
 - using an hour of vacation time
 - using compensatory time
 - working an extra hour(s) during the workweek of jury service
 - using leave without pay
3. Employees who serve on jury duty on a regular day off (or modified day off) shall not receive additional compensation. Employees are not required to return jury service fees for jury duty served on a regularly day off (modified day off).

In situations where employees are on a long-term (more than six months) jury trial, departments should place the employee on a 5/40-work schedule and corresponding FLSA workweek.

Grand Jury Service

Under the provision of Section 4.111 of the Los Angeles Administrative Code, employees who have been nominated and selected to serve on a Grand Jury are entitled to paid leave for this purpose. Service can be either to a Criminal or Civil Grand Jury.

Service on a Criminal Grand Jury is 30 calendar days and jurors are required to appear if summoned. Jurors must be available for on-call service during the 30 days. Jurors may request to be excused from Grand Jury Service. Requests for excuse must be presented to the Court when the juror appears in court.

Service on a Civil Grand Jury is voluntary and usually lasts for 12 months. In most instances, nominees to a Civil Grand Jury are asked to provide a letter from their employer indicating a willingness to allow such service. City Departments are not obligated to support the nomination and should not agree to such service.

Requests for Consecutive Days, Postponement or Excuse from Jury Service

The courts may accommodate requests for consecutive days of service, postponing service or excuse from jury service. Employees can request to postpone the start date of jury service by calling the number listed on the jury summons. Employees who have personal hardships and can not serve on jury duty should follow the instructions on the jury summons to request an excuse from jury service. An employee can request to be excused from jury service based on previous service less than a year ago at another court.

If an employee can not be spared to attend jury duty because of a critical operational need, a department head may write to the Jury Commissioner to request delayed service or excuse from jury duty. The letter should briefly explain the need for the delay or excuse. All letters must include a copy of the summons and must be signed by the employee. The County of Los Angeles courts are unlikely to grant requests for jury duty excuses.

Application

The information contained in this Bulletin applies to service in Los Angeles County and neighboring counties. Employees who are called to jury service in other counties or for federal service should be requested to provide appropriate service requirement information to the department.

Any questions regarding this matter should be directed to the Employee Relations Division at (213) 978-7676.

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