

### 03.605 **Jury and Witness Duty.**

Jury Duty. Regular staff members summoned to perform jury duty shall be excused from work for the time they serve, without loss of pay or accrued leave time. An employee is entitled to accept fees received for jury duty without any accounting to the System.

Witness Duty. Regular staff members who are required to serve as witnesses shall be excused from work without loss of pay or accrued leave time if: (a) they are not a party to the case, unless they are made a party defendant by virtue of their official position at the System; (b) they are not appearing as an expert witness for compensation; (c) they are not receiving compensation for such appearances (other than normal witness fee paid by the court); (d) their appearance is not directly related to any outside employment or business activities, or any former business or occupation; or, (e) they are appearing in their official capacity with the System.

- a. Service as a witness which does not meet the above criteria must be done outside of assigned working hours, or must be charged to vacation or leave without pay.
- b. Employees serving as witnesses under conditions which meet the above criteria are entitled to accept a customary witness fee paid by the court, except when appearing in their official capacity with the System. Prohibitions against acceptance of compensation shall not extend to mileage or per diem allowances for expenses incurred while serving as a witness, unless the employee has made a claim for such expenses against the State. In no instance shall there be dual reimbursement for expenses.
- c. Employees serving as witnesses outside of their assigned working hours, or while on vacation or leave without pay, are entitled to accept compensation for such appearances, provided the appearances are not in conflict of interest with their employment by the System.

Expert Witnesses in Litigation Against the State. H.B. 746, 76th Legislature requires reporting of any instance of an employee serving as an expert witness in litigation against the State; refer to the Dual Employment and Other Activities policy.

#### 4. General.

- a. Staff members who are serving on jury or witness duty are expected to report back to work during assigned working hours when not actually required to be in court, when excused, when not traveling to and from court, or when court is adjourned.
- b. Leave for the purpose of jury duty or witness duty must be requested in advance as soon as the employee receives the summons or subpoena from the court. A copy of the summons or subpoena must be attached to an Application for Approval of Leave/Overtime Form UPO-15 and submitted to the department official who has the authority to approve leave. The department official who has the authority to approve leave is the head of the department unless otherwise directed by the Vice Chancellor or the Chancellor.
- c. Time absent for jury duty or witness duty must be recorded on the eligible staff member's departmental Regular Staff Member Time Card Form UPO-24.

**REFERENCE:**

Sec. 659.005, Texas Government Code.