



Rancho Los Amigos National Rehabilitation Center

ADMINISTRATIVE POLICY AND PROCEDURE

SUBJECT: WITNESS LEAVE

Policy No.: A218
Supersedes: March 23, 2010
Reviewed: September 4, 2013
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PURPOSE:

To provide guidelines for employees who are subpoenaed to appear in court or a hearing

FULL-TIME MONTHLY PERMANENT EMPLOYEES

Any full-time permanent employee who is under subpoena to appear in a court or hearing shall be allowed the time necessary to be absent from work at regular pay to comply with the subpoena, provided that the court appearance is not as an expert witness or as a party to the case being heard. A party to the case is defined as being either the plaintiff or defendant in a civil matter, or the defendant in a criminal matter.

Time necessary to be absent from work does not include any time during which the employee is "on call" or his presence in a proceeding is not required.

FULL-TIME MONTHLY TEMPORARY EMPLOYEES

Full-time monthly temporary employees receive one (1) day of paid witness leave per year if they have completed 200 days or more of active service in the preceding calendar year. If these employees do not meet the 200 active service day requirement, they receive four (4) hours of paid witness leave per year.

If employees are required to appear for additional hour/days, they must use their own benefits and or time.

THE FOLLOWING PROVISIONS APPLY TO PERMANENT/TEMPORARY FULL-TIME EMPLOYEES WHEN THEY ARE CALLED AS A WITNESS:

- The subpoena must come from a court or commission legally empowered to issue subpoenas (e.g., Civil Service Commission).
- Employees are also allowed the time necessary to be absent from work to appear at an administrative proceeding in which their employment or pay status is at issue.
- Regular pay includes monthly bonuses, but excludes hourly bonuses.
- Persons under subpoena to appear as a union witness in a grievance arbitration hearing do not receive time off with pay. Such persons may, with Departmental approval, use accrued leave (such as vacation, personal leave, or overtime) to cover this time.

PROCEDURES:

- 1) The time card shall reflect "022" and the hours served on witness leave in the Code/Hrs Columns
- 2) To receive his/her regular pay, the employee must deposit any witness fees with the Rancho Cashier's office (Mileage and Parking fee refunds are not applicable).
- 3) Cashier's receipt must be forwarded to the Payroll Office, along with the time card
- 4) The Payroll Office will ensure that the Cashier's Receipt has been received to determine if the employee should be paid his/her regular pay

NOTE: Employees ordered to appear as a witness on their regular days off do not receive any pay from the County In such a case, the employee may keep his/her witness fees

DAILY/HOURLY TEMPORARY EMPLOYEES

Daily and hourly employees do not receive Witness Leave, and if such employees are under subpoena to appear in court, they may keep any witness fees

REFERENCE: County Code: Section 620 080(E);
Section 6.20.. 090(D)

Revised: January 2003 June 9, 2006
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