

Jury or Witness Duty

Introduction

The Comptroller's office encourages each employee to do his or her civic duty when called for jury service or to provide testimony in a judicial proceeding or legislative hearing.

For some employees, testifying in a judicial proceeding or legislative hearing in an official capacity will be part of their job.

Jury Duty

An employee who receives a jury summons must provide a copy of the summons to his or her supervisor when it is received to give advance notice of his or her absence during jury service.

The employee will not be required to use leave to account for his or her absence while at the courthouse to perform jury service and will be permitted a reasonable amount of travel time to and from the court. The employee must, however, provide documentation from the court stating the actual hours the employee was performing jury service.

When jury service lasts only a partial day, the employee is expected to be at work when not required to be at the courthouse or to use leave to account for his or her absence.

Serving as a Witness in an Official Capacity

An employee serving as a witness in his or her official capacity may provide testimony at the request of the agency or compelled by subpoena. In this circumstance, the employee is not required to use leave to account for any absence related to providing that testimony.

If an employee receives a subpoena to testify in his or her official capacity, the employee should immediately contact the Special Counsel for General Litigation, who will provide further instructions to the employee receiving the subpoena, including arrangements for the witness fee to be returned to the entity providing service of process.

An employee testifying in his or her official capacity may not accept a witness fee. The employee may, however, accept mileage or per diem allowances if there is no double reimbursement to the employee.

Travel Time

For jury service and serving as a witness in an official capacity, the agency will permit an employee a reasonable amount of travel time without the use of leave between the office where the employee is assigned and the location of the trial or testimony.

Travel time between an employee's home and the place where he or she serves as a juror or witness is not considered work time and is not compensable.

Serving as a Witness in a Non-official Capacity

An employee serving as a witness in his or her personal capacity in a judicial proceeding or legislative hearing is required to use leave to account for any absence related to that testimony.

The employee must provide a copy of the subpoena to his or her supervisor when it is received to give advance notice of his or her absence.

The employee in this circumstance is entitled to receive any customary witness fees for the appearance and may accept mileage or per diem allowances if there is no double reimbursement to the employee.

Approved Leave Without Pay

An employee who is serving as a witness in his or her personal capacity and who has no leave to account for his or her absence on the day he or she is required to give testimony will be granted approved leave without pay. The employee must submit a Special Leave Request Form and attach the subpoena in order for approved leave without pay to be considered.

Authority

Texas Government Code §659.005

Texas Civil Practices & Remedies Code § 122.001