

Santa Barbara City Fire Department - Standard Operating Procedures <b>Organizational Operations</b>	Code: <b>O-II-6</b>
<b>Jury Duty</b>	
Chpt: II Scheduling / Time Management	Revised: 5/3/13 Pages: 3

## I. PURPOSE

- A. To outline procedures for Fire Department employees who are summoned to serve as jurors in Municipal or Superior Court.

## II. AUTHORITY

- A. Section 3.08.095 of the Municipal Code of the City of Santa Barbara outlines Jury Duty Leave as follows:
  1. In the event that an employee of the City is required by a court of competent jurisdiction to perform jury duty and that requirement causes the employee to be away from his/her regularly assigned work schedule, said jury duty shall be considered leave with pay without interruption of service on the condition that the employee pay to the City Treasurer all compensation he/she receives for jury duty.
  2. However, when an employee is required to serve on a jury for Federal court in Los Angeles, the employee is only required to pay to the City all compensation for service, but may retain compensation for mileage and expenses.
  3. Responsibility for proper administration of this section shall rest with department heads.

## III. PROCEDURE

- A. Due to the 24 hour shift schedule for some employees, the Fire Department administers jury leave differently from other city departments.
- B. Fire department employees on both 40 hour and shift schedules who are **actually selected** to sit as a juror on a specific case will not return to duty Monday through Thursday - until the employee has been formally discharged of their legal obligation and been released by a Judge. Employees on shift work that are scheduled to work on Friday, Saturday or Sunday will come back to work Friday at 2000, if working Saturday will work Saturday 0800 to 0800 Sunday, and if scheduled Sunday will work 0800 to 1800 hours.
- C. Anytime court is not in session, due to a recess, break, etc., and it is a scheduled work day the employee shall return to work. If in doubt, contact the Duty Battalion Chief and it will be dealt with on a case by case basis (for court recesses during the week, the employee will return to work when released but shall have shift coverage beginning at 1800 if he/she is to report for jury duty the following day)

## Jury Duty

- D. If the trial permanently ends on a duty day and the jury is formally discharged by a Judge, the employee would immediately return to work.
- E. Due to the strike team rotation of engine companies, a shift employee, working on a weekend, may potentially be assigned to a strike team. It is the employee's responsibility to inform the Duty Battalion Chief of his/her jury duty obligation and insure that they are not inadvertently sent out of town.
- F. Jury Duty out of the local area (L.A. County, Ventura County, San Luis Obispo County), contact the Duty Battalion Chief and again it will be handled on a case by case basis.
- G. If an employee were sequestered, obviously they would not return until they were released by the Judge.
- H. In order to maintain adequate staffing levels in all divisions, and out of consideration for employees who will be hired as overtime to fill Jury Duty Leave positions, employees will advise the duty Battalion Chief, as soon as possible of his/her duty status for the following duty or regularly assigned work day.
- I. Fire department employees who are summoned, but not formally selected as jury members, will immediately return to work on a duty day or regularly scheduled workday after release by a Judge or Jury Commissioner Employees. To illustrate, if a firefighter is released at 1700 hours, and told to report the following morning, he/she would immediately return to work if it were a duty day. If the following morning were the duty day, he/she would advise the duty Battalion Chief or Lead Captain of the jury summons requirement so manning levels could be maintained and overtime personnel hired if necessary. This scenario would repeat itself until the firefighter completed jury service or was permanently relieved of his/her obligation. A local firefighter from another jurisdiction served as a juror for nine months on an extended felony trial case.
- J. Both Municipal and Superior Court pay potential selected jurors a per diem allowance plus mileage one way. A check for the total amount is made out to each potential juror at the conclusion of jury service.
- K. For each day that a fire department employee complies with the jury summons, the Jury Commissioner's Office issues a form certifying the employee's name, date(s) of service, and hours spent awaiting jury assignment or serving as a juror. This form, stamped and signed by an employee of the Jury Commissioner's Office, must be returned to the Fire Department Business Office to account for each day of jury service that occurred on a duty or regularly scheduled work day.
- L. Salient points of the Jury Duty Leave process that is frequently frustrating and confusing for both employees and administrators that must be understood are:

## Jury Duty

1. Let the Battalion Chief, Lead Captain, or Supervisor (for 40 hour employees) know what your status is the evening before so staffing strength can be maintained, and the hired overtime is aware of the hiring circumstances.
2. If you are not selected to serve as a juror, return to work immediately when released by the Court on a working day.
3. For each regularly scheduled work day on which you report for jury duty, you must provide the Business Office with the form provided by the Jury Commissioner's Office that certifies your appearance.
4. Jury duty procedures have changed in the past few years. Something new which has occurred is reporting for jury duty midday.
5. For example, when you call in the night before and are instructed to report at 1230 hours the next day, are to call in at 1100 hours the next day to confirm appearance, the following procedure will be asked.
  - a) You must report to work at 0800 hours the next day and notify your Battalion Chief at that time that you will be calling in at 1100 hours to confirm that you will need to report for jury duty at 1230 hours on this day. When you call in at 1100 hours and are instructed to appear, immediately notify your Battalion Chief who in turn will make the necessary arrangements in order for you to report to jury duty on time.