

SCOTTS VALLEY FIRE PROTECTION DISTRICT		
STANDARD OPERATING PROCEDURES	ARTICLE: I	SOP: 1106
	SECTION: 1100 PERSONNEL	
	SUBJECT: JURY DUTY, SUBPOENAS, COURT APPEARANCES	

Purpose: To establish a procedure for court appearance subpoenas and jury duty obligations for employees of the Scotts Valley Fire Protection District.

Scope: The Scotts Valley Fire Protection District, in compliance with the Government Code of the State of California, has established the following procedure regarding employees receiving a subpoena in the course of the employee's duties, as well as compliance with the law as it relates to jury duty.

Definitions:

Subpoena: A legal writ requiring the person named to appear as a witness before a court or other tribunal at a specified time, date and place.

Custodian of Records: The person to be known as the "custodian of records" for the Scotts Valley Fire Protection District shall be the fire chief or his/her authorized representative.

Peace Officer: The words "peace officer" shall mean all safety members of our department as used in California Government Code, Section 68097 et. seq., of the State of California.

Jury Duty: When an employee is obligated to be a part of a group selected to give a verdict within the court system.

Procedure:

1. Jury Duty and Court Appearance
 - A. Employees called to jury duty shall continue to receive their full pay during each service. Any pay received for jury duty, excluding mileage allowance, shall be signed over to the fire district. (This applies only to jury duty during employee's normally scheduled work hours.)

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- B. Pay for appearances in court or other tribunals that is not as a result of an employee's official duties for the district or related to district business shall be retained by the employee. The employee's absence from work in such situations shall be charged to leave without pay or, at the employee's request, vacation or CTO.
- C. Pay for subpoena presence in court that is a result of an employee's official duties for the district or is related to district business shall be signed over to the district by the employee. The employee's presence in court shall be considered time worked.

2. Civil Subpoena

- A. Whenever an employee of the Scotts Valley Fire Protection District is required to appear as a witness before a court or other tribunal in a civil action or proceedings in connection with a matter regarding an event or transaction which he/she has perceived or investigated in the course of his/her duties, a subpoena shall first be served by delivering a copy to such employee personally or to the Scotts Valley Fire Protection District office.
- B. Only chief officers of the Scotts Valley Fire Protection District can receive subpoenas for other employees of the district. Subpoenas requiring the release of records shall be forwarded to the custodian of records, who is designated as the fire chief.
- C. In either case, the subpoena will be checked for compliance with the law. To be in compliance with the law, the subpoena must indicate that it is being served upon a peace officer (safety member of the district).
- D. The party at whose request such subpoena is issued shall reimburse the Scotts Valley Fire Protection District for the full cost to the district incurred in paying the employee his/her salary or other compensation for traveling expenses, for each day that such employee is required to remain in attendance pursuant to such subpoena.

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- E. The amount of one hundred fifty dollars (\$150) shall be deposited with the Scotts Valley Fire Protection District prior to the time and date that attendance is required.
- F. If the actual expenses should later prove to be more than the amount deposited, the difference shall be paid to the Scotts Valley Fire Protection District by the party at whose request the subpoena is issued. If the actual expenses should later prove to be less than the amount tendered, the excess of the amount tendered shall be refunded.
- G. No employee of the Scotts Valley Fire Protection District shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to, or the day upon which such witness appeared pursuant to the provisions of law, unless the party at whose request the witness is ordered to return, shall first tender to the public entity by which the witness is employed the same sum required to be tendered for the issuance of a subpoena in the first instance.
- H. If a court continues a proceeding on its own motion, no additional witness fee shall be required prior to the issuance of a subpoena or the making of an order directing such employee to appear on the date to which the proceeding is continued.
- I. The employee who is obliged, by a subpoena issued pursuant to the California Government Code, Section 60897 et. seq., to attend as a witness, shall receive the salary or other compensation to which he/she is normally entitled to. This entitlement also includes expenses incurred from the time that he/she travels to and from the place where the court or other tribunal is located and while he/she is required to remain at such place pursuant to such subpoena.
- J. The employee shall also receive from the district the actual necessary and reasonable traveling expenses incurred by the employee in complying with such subpoena.


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- K. Any person who pays or offers to pay any money or other form of consideration for the services of an employee of the Scotts Valley Fire Protection District as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he/she has perceived or investigated in the course of his/her duties in any manner other than provided in California Government Code, Section 60897 et. seq., is guilty of a MISDEMEANOR and any employee of the Scotts Valley Fire Protection District who asks or receives any such payment except as provided in the California Government Code, Section 60897 et. seq., is likewise guilty of a MISDEMEANOR.
- L. An employee of the Scotts Valley Fire Protection District who has been subpoenaed pursuant to the provisions of California law may, in lieu of attendance at the time specified in the subpoena, agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon.
- M. Whenever an employee of the Scotts Valley Fire Protection District appears as a witness pursuant to California law, and reimbursement is not made as provided for in the law, then the Scotts Valley Fire Protection District, being the public entity employing the employee, shall have standing to bring an action in order to recover such funds.

3. Criminal Subpoena

- A. Whenever an employee of the Scotts Valley Fire Protection District is required to appear as a witness before a court or other tribunal in a criminal action or proceeding in connection with a matter regarding an event or transaction which he/she has perceived or investigated in the course of his/her duties, the cost shall be born by the fire district as to the employee salary or other compensation to which he/she is normally entitled as well as actual necessary and reasonable traveling expenses incurred by the employee in complying with such subpoena.
- B. In actions outside the employment of the fire district (civil or criminal actions), or not related to fire district business, the employee will seek payment of normal witness fees from the courts or person(s) issuing said subpoena and without any compensation from the fire district.

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