



# ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7142  
PAGE: 1 OF 3  
EFFECTIVE: 1-17-62  
REVISED: 5-1 2-97

CATEGORY: Personnel, Leaves/Absences

SUBJECT: Leaves for Court Appearances

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## A. PURPOSE AND SCOPE

1. To outline administrative procedures governing leaves of absence for court appearances.
2. This procedure applies to contract certificated and monthly classified employees. Temporary or hourly employees are not eligible for leaves with pay for court appearances, unless they are appearing on behalf of the school district.
3. **Related Procedures:**

|                                |           |
|--------------------------------|-----------|
| Personal business leave .....  | No. 7 134 |
| Personal necessity leave ..... | No. 7 136 |
| Jury duty .....                | No. 7144  |

## B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: I-2200, I-2450; Education Code 44036; collective negotiations contracts.

## C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Fiscal Control Department, Finance Division.
2. **Definition. Day:** For payroll reporting purposes, eight *hours* for a full-time assignment. Absences of regular employees assigned less than full time also are reported in hours on a proportionate basis (e.g., half-time employee = *four hours*; three-fourths-time employee = six *hours*).
3. **Leaves for court appearance** may be granted for appearing in court:
  - a. **On behalf of the district.** There is no loss of salary.
  - b. **As a witness under a subpoena (other than a litigant), or in response to an official order** from another governmental jurisdiction for reasons not brought about through connivance or misconduct of the employee. There is no loss of salary.
  - c. **As a litigant absent for less than two hours.** Such an absence may be considered personal business leave (Procedure No. 7 134) and does not entail loss of pay.
  - d. **As a litigant absent for more than two hours.** Such an absence may be allowed *with pay* as personal emergency/necessity leave (Procedure No. 7 136). If the employee has already used the maximum number of days of personal emergency/necessity leave in a

school year or does not have enough full-time sick leave to cover the absence, it will be charged *as unpaid* personal business leave (Procedure No. 7 134).

4. The employee must return to work when a court appearance does not necessitate absence for the entire day. The immediate supervising management employee determines whether an employee must return to work after considering factors in each case. (Employees in the California School Employees Association must consult the collective negotiations contract for special regulations.)

#### D. **IMPLEMENTATION**

##### 1. **Absence as a Witness or Under Official Order**

- a. **Employee** completes and submits "Request for Short-Term Leave" (E. I .), with subpoena attached, to principal/department head as far in advance as possible.
- b. **Principal/department head** endorses request and sends to Payroll Unit of Fiscal Control Department; notifies employee by telephone or in writing, as time permits; requests substitute, if needed.
- c. **Time-recording secretary** enters information concerning absence on time sheet, following instructions *in Personnel - Payroll Handbook*.
- d. **Employee** submits to time-recording secretary "Attendance Certification" form (E.2.) at end of each calendar month or at end of duty as witness, whichever occurs first. *Failure to do so may result in pay warrant being delayed.*

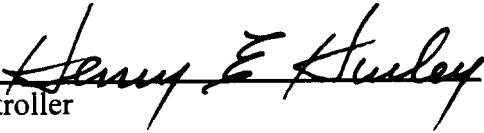
2. **Absence as Litigant. Employee, principal or department head, and Payroll Unit** follow procedures of personal business leave (Procedure No. 7 134), and/or personal emergency/necessity leave (Procedure No. 7 136), as appropriate (see C .3.).


#### E. **FORMS AND AUXILIARY REFERENCES**

1. Request for Short-Term Leave, Stock No. 22-R-2733.
2. Attendance Certification, from **Office** of the Jury Commissioner for superior and municipal courts.
3. Personnel - Payroll Handbook.

#### F. **REPORTS AND RECORDS**

G. APPROVED BY

  
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Controller  
Finance

  
\_\_\_\_\_  
Superintendent