

Staff Legal Leave

The Board recognizes the important role citizens play in our legal system, including the obligation to serve as jurors under appropriate circumstances and to appear in proceedings pursuant to subpoena or other court order.

All employees of the BOCES shall be excused for jury duty or when ordered to appear in a proceeding pursuant to subpoena or other court order with no jeopardy to their employment, compensation, annual leave or other leave.

Substitutes, when necessary, for employees shall be obtained in the usual manner and paid by the BOCES.

While state law provides that the BOCES is only responsible for paying employees their regular wages up to \$50 per day for the first three days of jury service, the BOCES believes it should support employees to the full extent of their regular wages while on jury service. Therefore, the BOCES shall pay employees their regular wages for all days of jury service.

Pursuant to state law, after the first three days of jury service, the state pays each juror \$50 per day. Because employees will be receiving their regular wages from the BOCES, which in most instances is more than \$50 per day, all employees shall forward such payment from the state to the BOCES as an offset. If an employee's regular wages are less than \$50 per day, the BOCES will supplement the employee's regular wages to bring the daily wage up to \$50.

The BOCES shall not reimburse employees for expenses or mileage related to jury service. The employee may keep any reimbursement for expenses or mileage received from the state and continue to receive the full extent of his or her regular wages while on jury service.

The executive director shall request that an employee be excused from jury duty service or the service delayed provided the special nature of the employee's qualifications would make it difficult to secure an adequate substitute or if the timing of the proposed jury service affords a threat to the welfare of the BOCES.

Adopted: March 11, 2021

LEGAL REFS.: C.R.S. 13-71-119 (*jury duty deferments and excuses – limitations*)
C.R.S. 13-71-126 (*compensation of employed jurors for first three days of service*)
C.R.S. 13-71-129 (*compensation of employed jurors after first three days of service*)
C.R.S. 13-71-132 through 13-71-134 (*juror's and employer's obligations*)

NOTE: A BOCES may wish to revise this sample policy by deciding to pay employees their salaries for days of jury service (the employee would forward any Jury Duty payment from the state to the BOCES), by allowing them to keep their jury duty payments in addition to their regular salaries, or by limiting the days that the BOCES will continue paying the employee's salary (e.g. jury service that lasts more than one week, etc.).