

Operating Practice
Subject: Witness Duty
Revised 02/02/07

- A. Representing the School District. An employee shall be provided with paid Professional Leave for purposes of serving as a witness representing the School District or Supervisory Union, whether or not the employee is subpoenaed to testify. An employee who has been subpoenaed to appear in court to testify as a witness due to their employment relationship with the district (e.g. child custody, DCF hearing, family court) shall also be considered to be representing the district. An employee who uses Professional Leave for this purpose shall endorse over to the district any fees received from the court or parties for their appearance.
- B. Professional Witness. Except as indicated in Section A, an employee may use appropriate available paid leaves (i.e. personal leave, vacation leave, floating holiday, comp time, etc.) upon request and approval from the immediate supervisor for purposes of serving as a professional witness. If the employee has no appropriate paid leaves available, requests for unpaid leave shall be considered at the discretion of the Chief Executive Officer.
- C. Subpoena to Testify. An employee who has received a subpoena to appear or testify in court shall be provided the necessary time off to fulfill his/her obligation up to the limitations set forth below:
- i. Personal Matters. An employee who has been subpoenaed to appear in court to testify related to a personal matter shall be expected to use his/her appropriate available paid leaves (i.e. personal leave, vacation leave, floating holiday, comp time, etc.). If the employee has no appropriate paid leaves available, unpaid leave shall be granted, up to a maximum of five days per year. The employee shall provide the employer with a copy of the subpoena before the unpaid leave can be granted.
 - ii. Public Service Matters. An employee who has been subpoenaed to appear in court or testify as a witness in a crime or public safety matter shall be provided with up to two days of paid Witness Duty Leave per year. Should the employee require additional leave beyond the two days of Witness Duty Leave, the employee may use appropriate available paid leaves (i.e. personal leave, vacation leave, floating holiday, comp time, etc.), or take the time off without pay at the employee's discretion. In order to qualify for Witness Duty Leave or unpaid leave the employee must provide the employer with a copy of the subpoena. An employee who uses Witness Duty Leave shall endorse over to the district any fees received from the court or parties for their appearance.

The Chief Executive Officer retains the right to modify this operating practice at his or her discretion. In any matter of interpretation, the decision of the Chief Executive Officer shall be final.