

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN
OFFICE OF HUMAN RESOURCES
*POLICY AND PROCEDURES MEMORANDUM***

JURY SERVICE OR WITNESS SERVICE AND FEES

DATE: February 1, 2006

1. PURPOSE

This policy provides for the administration of leave and fees for service as a juror or as a witness in a judicial proceeding or legislative hearing.

2. POLICY

2.1 Jury Service

No deduction will be made from the salary or wages of an employee of The University of Texas of the Permian Basin who is called for jury service, nor shall the employee be required to account to the University for any fee or compensation received for jury service.

2.2 Witness Service and Fees

An employee called to appear in his or her official capacity in any judicial proceeding or legislative hearing will neither accept nor receive any witness fee for such a governmental appearance.

If the appearance as a witness is not in an official capacity but is for the purpose of testifying from personal knowledge concerning matters related to the proceeding or hearing, the employee may accept any customary witness fees for appearance.

Any employee appearing as an expert witness in a judicial proceeding or legislative hearing may accept compensation for his or her appearance only when such appearance is made on his or her own leave time and may accept reimbursement for travel expenses only if the expenses are not reimbursed by the state.

Employees who are serving in an official capacity as a witness in a judicial proceeding or legislative hearing may receive per diem and reimbursement for travel and expenses from either the state or the judicial body, but not from both.

With the exception of classified employees, full-time employees who serve as consulting or testifying expert witnesses in a suit in which the state is a party must report this information to the department head, who must notify the Office of Human Resources.

Not later than November 1 of each year, the Texas Higher Education Coordinating Board (THECB) must submit to the governor and to the presiding officer of each house of the legislature a written report regarding compensated service by members

of the faculty or professional staff of institutions of higher education as consulting or testifying expert witnesses in suits in which the state is a party during the preceding state fiscal year. The information in the report will not identify specific individuals. The report must specify: 1) the amounts of time spent by each faculty or professional staff member in connection with that service; and 2) the names, cause numbers, and outcomes of the cases in which service was rendered, including the amounts of: any judgments entered against the state; any prejudgment or post-judgment interest awarded against the state; and any attorney's fees of another party ordered to be paid by the state. The attorney general and the president of each institution of higher education are charged with the collection of all necessary data for inclusion in the report.

3. PROCEDURES

3.1 An employee should notify the supervisor as soon as notice of jury service is received.

In order to qualify for pay during periods of jury service, the employee must furnish documentary proof of service to the immediate supervisor.

On time records, employees will show time away from work for any jury service as "Jury Duty".

- When serving as a witness in a non-work-related judicial process or hearing, the employee must report the time as personal leave.

When testifying in an official capacity or serving as a witness in an official or work-related judicial process or hearing, the employee must report the time as "Other", and explain the nature of the witness duty in the "Remarks" section.

The Office of Human Resources will obtain data on employee use of "Other" leave for witness duty each year on the first workday in September, and will report on use of such leave to the Office of General Counsel. An email will be sent to OGC providing the name and contact information for each employee using leave for witness duty during the previous fiscal year, the amount of leave used, and any other relevant information provided by the employee on the time record.

OGC will obtain from the employee any additional information needed for the annual report to the THECB.

The president of each institution must file a written report with the THECB providing the information specified above no later than September 30 of each year. The THECB Commissioner will send a memo in August each year to the President, copying the General Counsel of the institution.

In the event an institution cannot provide the information specified, the Texas Attorney General's Office will be requested to provide the information to the THECB.

4. AUTHORITY

Texas Government Code, § 659.005
Texas Education Code, § 61.0815

5. APPLICATION

This policy applies to The University of Texas of the Permian Basin.