



TITLE	POLICY NUMBER	
Civic Duty Leave	DCS 04-14	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	12/08/2016	

*This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.*

## **I. POLICY STATEMENT**

The Department of Child Safety (DCS) respects the civic duties of its employees and as a result, upon substantiated application, the Department shall provide absence with pay for the following civic duty activities as stated in this policy and the limitations set forth in Arizona State Personnel System (ASPS) rule [R2-5A-B606](#):

- serving as a juror;
- complying with a subpoena;
- voting in a general or primary election;
- Serving as a member of a governmental board, commission, or similarly constituted governmental body.

## **II. APPLICABILITY**

This policy applies to all Department employees.

## **III. AUTHORITY**

[A.A.C. R2-5A-A601](#)

ASPS Rules: Leave Administration

[A.A.C. R2-5A-B606](#)

ASPS Rules: Civic Duty Leave

<a href="#">A.R.S. § 16-401</a>	Applicability of general election law to primary elections
<a href="#">A.R.S. § 16-402</a>	Absence from employment for purpose of voting
<a href="#">A.R.S. § 38-431.02</a>	Notice of meetings
<a href="#">DCS 03-05</a>	Payroll Processing

#### **IV. DEFINITIONS**

Department: The Arizona Department of Child Safety (DCS).

Official Duties: Attendance at an official meeting that is a gathering of a quorum of the members of a public body to propose or take legal action, including any deliberations with respect to such action. Official notice of the meeting must be made pursuant to [A.R.S. § 38-431.02](#), the Open Meeting Law.

Substantiated Application: A request for civic duty leave that is verified or verifiable. For example, a request for leave accompanied by a copy of a subpoena would be a substantiated application.

#### **V. POLICY**

A. Employees may request civic duty leave for the following purposes:

1. Voting in a General or Primary Election
  - a. Employees shall submit their request for up to three hours of civic duty leave prior to the day of the election;
  - b. The supervisor shall approve the request and may specify the hours for which an employee may be absent.

2. Serving as a Juror

Except for mileage allowance, employees granted civic duty leave for jury duty shall remit any fees received from the court, to the Department.

3. Complying with a Subpoena
  - a. Except for mileage allowance, employees granted civic duty leave when subpoenaed as a witness shall remit any fees received from the court, to the Department;
  - b. Civic duty leave shall not be authorized for an employee who is subpoenaed as a witness to testify or provide evidence relating to the employee's own commercial, business, or personal matters;
  - c. If the employee is testifying in an out-of-state court, annual leave must be taken unless the testimony pertains to the performance of the employee's work activities.
4. Serving as a member of a governmental board, commission, or similarly constituted governmental body subject to the conditions set forth in this policy and in [A.A.C. R2-5A-B606](#).
  - a. When serving as a member of a public service body and attending an official meeting for the purpose of taking legal action, the employee may receive paid civic duty leave only if an official notice of the meeting was made pursuant to A.R.S. § 38-431-02, the Open Meeting Law;
  - b. Civic duty leave may not be taken for the purpose of attending conventions or conferences, handing out diplomas, and attending other meetings where the employee's presence is not required.
- B. Except for voting, an employee granted civic duty leave shall return to work whenever the employee's presence is not required for the civic duty. The employee shall not return to work if the distance to work would preclude timely reporting for the civic duty or the employee would return to work within one hour of the end of his/her work shift.
- C. Employees shall accurately report civic duty leave on their time sheet and supporting documentation is timely submitted as outlined in Procedures.
- D. Employees shall not be paid for more than eight (8) hours per day for any civic duty leave.

## VI. PROCEDURES

### A. Requesting Leave

Employees shall submit a leave request prior to the event; the supervisor shall review and approve.

### B. Reporting Civic Duty Leave and Remitting Fees to DCS Payroll

1. Employees shall report all civic duty leave hours on their time entry form. Contact the DCS Payroll Office at (602) 255-2701 or reference the [Payroll Processing](#) policy for instructions on time entry form corrections.
2. Employees shall submit the following information to DCS Payroll to confirm civic duty leave hours that are reported on the time sheet:

- a. For jury duty, submit a copy of the biographical information sheet or proof of service attendance slip completed at the court for each pay period in which the civic duty leave is taken;

NOTE: Federal courts indicate the daily jury or witness fee on the proof of service attendance slip.

- b. For subpoenas as a witness, submit a copy of the subpoena for each pay period in which civic duty leave is taken.

3. Additionally, employees shall submit the following information to DCS Payroll within two pay periods or the employee will be charged annual leave for all civic duty leave taken:

- a. Employees must submit a photocopy of the check stub for jury duty or witness or fees received by the court.

NOTE: Employees may keep and cash checks received from the court;

- b. Employees not selected for jury duty and who do not receive payment shall submit a copy of the biographical information sheet they completed at the court site with a note stating that they did not receive any fees (with the exception of mileage) from the court

because they were not selected as a jury member;

- c. Submit the photocopy to DCS Payroll via interoffice mail to Site Code C010-21, or mail to DCS Payroll, 3003 N. Central Ave., 21<sup>st</sup> Floor, Phoenix, Arizona 85012.
4. From the employee's gross wages, DCS Payroll deducts the appropriate amount of fees received from the court and charges the time away from the workplace as civic duty leave.