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## **AUHR 6.10 LEAVE TO ATTEND COURT OR OTHER LEGAL PROCEEDING**

### **Attending Court or other Legal Proceeding Related to Employment**

Any employee who must attend court or other legal proceedings arising from actions taken during employment shall be considered “at work” and shall receive regular wages. This provision does not apply to an employee who is a plaintiff in a lawsuit or other legal proceeding against the City. The employee must either be subpoenaed or otherwise released by the City Auditor or designee to attend court or other legal proceeding. Employees must notify their supervisor of subpoenas related to their jobs or other requests to appear in court or other legal proceeding.

Employees shall pay all money received for service as a witness to the City Treasurer, but shall be reimbursed for travel expenses.

### **If Excused from Service with Time Remaining in Shift**

If an employee granted leave under this rule is released from service as a witness with more than two hours remaining in the employee’s normal work shift, the employee shall notify their supervisor. The employee shall report to work for the remainder of the shift if the supervisor requests the employee to do so.

### **Non-Job Related Court or other Legal Proceeding Leave Rule**

When an employee is subpoenaed or directed by a proper authority to appear as a party or witness in any legal proceeding that is not connected with the employee’s officially assigned duties, the employee shall be granted leave but must use vacation, compensatory time or leave without pay.

Whether appearing as a witness or a party in a court or other related legal proceeding not related to the employee’s officially assigned duties, the time is not considered as work time for Fair Labor Standards Act (FLSA) or any other purpose and is not included in total hours worked per week.

### **Leave to Attend Criminal Proceedings**

Eligible employees, who are the victim of a person felony or whose immediate family member is the victim of a person felony, shall be given leave to attend criminal proceedings related to the crime. Such leave is without pay but the employee is entitled to use accrued vacation, management leave (if awarded) and/or compensatory time off.

“Eligible employee” is an employee who has worked an average of more than 25 hours per week for at least 180 days immediately before the date the employee takes leave to attend a criminal proceeding. “Immediate family member” is defined as the employee’s spouse, domestic partner, father, mother, sibling, child, stepchild and grandparent.

A “crime victim” is a person who has suffered financial, social, psychological or physical harm as a result of a person felony. A criminal proceeding includes any proceeding that is part of the criminal action, including juvenile proceedings and any other proceeding at which a crime victim has a right to be present.

Employees must provide reasonable notice of their intention to take leave to attend a criminal proceeding and provide their supervisor with copies of any notices of scheduled criminal proceedings the employee receives from a law enforcement agency. Such information must be maintained in a confidential file.

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### **Human Resources Rule Information and History**

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor’s Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 6.10 Leave to Attend Court or Other Legal Proceeding.

Adopted by Council March 6, 2002, Ordinance No. 176302.

Last revised July 1, 2004.