

**AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE JURY DUTY &
WITNESS LEAVE POLICY AND THE ADDITION OF THE POLICY AS DEFINED
TO THE VILLAGE EMPLOYEE HANDBOOK**

WHEREAS, Brewster Village Council desires to adopt an Employee Jury Duty & Witness Leave Policy and to modify the Village Employee Handbook to include an Employee Jury Duty & Witness Leave Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee Jury Duty & Witness Leave Policy as defined below and shall add Section 4.07 - Employee Jury Duty & Witness Leave Policy to the Village Employee Handbook as follows:

4.07 JURY DUTY & WITNESS LEAVE

A. Purpose

The Village of Brewster encourages its employees to fulfill their civic responsibilities by serving jury duty if they get a summons or as a witness if they are served with a subpoena.

B. Jury Duty Leave

1. An employee must notify their supervisor and the Village Administrator (or Mayor for Police and Fire) as soon as they receive a jury summons.
2. Employees are entitled to paid leave when summoned for jury duty by a court of competent jurisdiction.
3. Jury duty includes time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury.

C. Witness Leave (Subpoena)

1. An employee must notify their supervisor and the Village Administrator (or Mayor for Police and Fire) as soon as they receive a subpoena. This will help the Village plan for your possible absence from work. We expect you to come to work whenever the court schedule permits.
2. Employees are entitled to paid leave when subpoenaed to appear before a court of competent jurisdiction, commission, board, an administrative agency of the federal, state, or other government, or other legally constituted body authorized by law to compel the attendance of witnesses. Employees are also entitled to paid leave when serving as a witness for any work related matter.
3. If the employee is a party to the action or proceeding involved or is subpoenaed as a result of secondary employment outside the service of the Village and is subpoenaed to appear before a court of competent jurisdiction, commission, board, an administrative agency of the federal, state, or other government, or other legally constituted body authorized by law to compel the attendance of witnesses, the employee will be given the necessary excused time off. However, this excused time off will be unpaid unless the employee chooses to use their appropriate paid leave such as accrued vacation, compensatory time, or floating holiday in lieu of unpaid time off. Any employee who is appearing before a court of competent jurisdiction, commission, board, an administrative agency of the federal, state, or other government, or other legally constituted body authorized by law to compel the attendance of witnesses in a matter in which the employee is a party must apply for leave for that absence under the appropriate policy for said leave. Examples include criminal or civil cases, traffic court, divorce proceedings, custody proceedings, or appearing as directed as a parent or guardian of a juvenile.

D. Jury Duty or Witness – Work Obligations

On any day an employee is released from their jury duty or witness obligation during their regular working hours shall report to work in order to complete their regularly assigned shift, provided sufficient time remains for the employee to properly report for duty [at least four (4) hours remain]

E. Jury Duty or Witness Compensation

Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena in excess of fifteen dollars per day, when such duty is performed during an employee's normal working hours, shall be

remitted by the employee to the Clerk-Treasurer.

F. Continuation of Health Care

Subject to the terms, conditions, and limitations of the applicable plans, Village of Brewster will continue to provide health insurance benefits for the full period of jury duty leave.

G. No Retaliation

The Village will not discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313. of the Ohio Revised Code if the employee gives reasonable notice to the Village of the summons prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service.

However, failure to follow Village policy set forth herein regarding jury duty or serving as a witness, or any other Village policy or rule, including any falsification, can be the basis for disciplinary action.

H. Release from Jury Service or Serving as a Witness

In accordance with Ohio Revised Code Section 2313.14 (A)(1), in the event the Village determines that the interests of the public will be materially injured by an employee's attendance as a juror, the Village will reduce that determination to writing, provide a copy to the employee, and request that the employee ask the court to excuse them from jury duty.

The Village will ultimately comply with the Court's decision regarding whether an employee is excused or is required to serve jury duty.

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on April 3, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King