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HRDG 4630 - Absence and Leave - Section D - Subsection a

Last Modified:

Subchapter 4630 - Absence and Leave

Section D - Administrative Leave and Excused Absence

Subsection a - Court

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Official Time for EEO / ER-Related Matters

Employees / supervisors seeking guidance on the amount of official time that may be granted for EEO / ER- related matters (e.g., preparing for cases, meeting with attorneys) must contact their servicing Civil Rights or Employee Relations Specialist.

Witness Service

An employee with a regularly scheduled tour of duty who would otherwise be in a pay or duty status may be granted administrative leave (TC 66) or official duty (TC 01) when summoned as a witness on behalf of the Federal, D.C., State, or local government. These proceedings may include any action, suit, condemnation, preliminary, information, or other proceeding of a judicial nature. The summons must be by a court or by an authority responsible for conducting such proceedings.

An employee may **not** be granted administrative leave (TC 66) or official duty (TC 01) for time spent as a plaintiff or defendant testifying on his/her own behalf. Annual leave, compensatory time off in lieu of overtime pay, compensatory time off for travel, credit hours or leave without pay (LWOP) must be requested for this purpose.

Jury Service

An employee with a regularly scheduled tour of duty who would otherwise be in a pay or duty status may be granted administrative leave (TC 66) when called for service as a juror or for a preliminary screening interview to ascertain potential eligibility for later service as a juror.

Documentation

When administrative leave (TC 66) or official duty (TC 01) is requested for court-related purposes, a copy of the initial summons should be provided to the supervisor before the reporting date. Upon completion of the court-related service, the summons and the court certificate identifying the court, the employee, dates of service, daily fee, reimbursement for expense, and the total fee paid, must be filed with the office copy of the time and attendance report.

Court-Related Services Table

Refer to the table on the following page to determine when an absence should be charged as administrative leave (TC 66), official duty (TC 01), leave (e.g., annual, compensatory time off in lieu of overtime pay, compensatory time off for travel, credit hours), or LWOP.

**EMPLOYEE
ABSENCES FOR
COURT-RELATED ([Click here to view Chart](#) (436.37 KB))
SERVICES**

Generally, an employee who has been granted administrative leave (TC 66) for court services (jury or witness) is not entitled to retain any fee for such service. However, there are a few **exceptions** to the rule, as described in the following table:

Retaining Fees for Court Services	If:	Then the employee may retain:
	The payment from the court is reimbursement for travel expenses and a fee for the service	The portion of the payment defined as travel expense.
	State or local jurisdiction has determined that the entire fee is reimbursement for expenses	The entire fee.
	An employee receives a fee for a period of court-related service for which he/she was not in an official duty status or was not granted administrative leave	The entire fee.
	The fee is more than the pay from the agency for the period of court-related service	The excess amount of pay.
		A pro rata portion of the fee.
	An employee performs court-related service beyond the end of his/her workday	To determine the amount of payment the employee may retain, divide the total fee for that day by 8 and multiply by the number of hours of service performed before or after the employee's normal workday.

When an employee is not entitled to retain fees for court-related services, he/she must return them to the agency. A check or money order (payable to the agency), and a copy of the court certificate should be sent, through established administrative channels, to the applicable agency contact designated below:

**Disposal of
Nonretainable
Fees**

**If the employee
works in:**

Then the fees should be returned to:

AMS

Administrative contact established by the
respective program

APHIS

USDA, APHIS - General
P O Box 979043
St. Louis, Mo 63197-9000

Be sure to include an accounting code on
the memo line of the check.

Generally, the period of jury service begins with the date stated in the summons on which the employee is to report. It ends on the date the employee is discharged, as shown on the certificate from the court. **Exceptions** to this rule are:

If an employee is:	Then:
Excused or discharged from jury service for 1 workday or for a substantial portion of a workday	He/she will return to duty. If the employee does not return to duty, appropriate leave will be charged for the remainder of the workday. Note: Administrative leave (TC 66) may be granted for the remainder of the workday if it is not practical for the employee to return to duty because of the distance between the court and the duty station, or if the employee is assigned to night work.
Time Covered by Jury Service	
On annual leave, compensatory time off in lieu of overtime pay, compensatory time off for travel, or credit hours when called for jury service	Administrative leave (TC 66) will be substituted for the period of jury service.
On LWOP	Administrative leave (TC 66) will not be granted during the period of LWOP.
Scheduled to be separated or furloughed and a date has been fixed by notice to the employee	Pay status will not be extended for the purpose of granting Administrative leave (TC 66).

Exemption from Jury Service

If the jury service will substantially interfere with official activities of the agency, the supervisor will prepare a written memorandum requesting that the employee be excused from jury service. The supervisor may send the memo directly to the court or he/she may seek the advice of the General Counsel.

If assistance from the General Counsel is solicited, the supervisor will prepare a memorandum for the signature of the Agency Administrator to the General Counsel requesting that the employee be excused from jury service. The memo, which should be sent through appropriate channels, should include:

- The name and title of the employee;
- The nature of the employee's duties;
- The name and address of the court;
- A copy of the summons, if available; and
- The specific reason(s) why jury service by the employee would substantially interfere with the official activities of the agency.

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