

# Jury Duty/Court Leave

Original Implementation Date:	April 1, 1996	Approved by:
Date of Last Revision:	June 30, 2021	Approved by: Jacques Dubé, CAO
Effective Date of Last Revision:	January 6, 2022	Approved by: Jacques Dubé, CAO

## 1 - Policy Name

Jury Duty/Court Leave

## 2 – Purpose

The Municipality recognizes there are times when employees will be required to be a juror or a witness in a court proceeding and therefore provides approved paid and unpaid leave for these reasons (part of which is as per the *Nova Scotia Labour Standards Code*). The intent is to provide job protection so employees can take time off from their job for jury duty or court leave.

## 3 – Objectives

The objectives of this Policy are:

- To support employees in fulfilling their civic responsibilities as a juror or a witness in court proceedings.
- To ensure the Municipality can provide witnesses for court proceedings which involve the Municipality.
- To meet legislated requirements under the *Nova Scotia Labour Standards Code*.
- To treat employees in a fair and equitable manner.

## 4 – Scope

This applies to all permanent non-union Halifax Regional Municipality employees. For terms and conditions of employment for temporary non-union employees, refer to the policy Temporary Non-union Employees.

## 5 – Definitions

In the context of this document:

**Court Leave** means time away from work required to appear as a juror or witness in a judicial proceeding.

**Jury** means a selected panel of citizens who have the responsibility for hearing the evidence in a judicial proceeding and then rendering a verdict. In Nova Scotia a jury consists of twelve people in a criminal trial and seven people in a civil trial.

**Jury Duty** means the obligation to act as a member of a jury.

## **6 – Roles and Responsibilities**

### **Chiefs/Executive Directors**

Chiefs/Executive Directors are responsible for:

- Ensuring proper administration of this Policy and delegating approval authority to directors/managers/supervisors as appropriate.

### **Directors/Managers/Supervisors**

Directors/Managers/Supervisors, who are delegated this authority by the Chief/Executive Director, are responsible for:

- Considering leave requests in accordance with the requirements of the Policy and any relevant legislation.
- Assessing operational requirements in light of all leave requests.
- Approving/denying leave requests.
- Supporting the employee in addressing situations that require leave while balancing operational requirements.
- Administering the Policy in a fair and equitable manner.
- Adhering to legislated requirements and ensuring leaves are accurately recorded.

### **Employees**

Employees are responsible for:

- Submitting leave requests to their director/manager/supervisor, with as much advance notice as possible.
- Accurately reporting all leaves on a regular basis.

### **Human Resources**

Human Resources is responsible for:

- Providing support to business units and employees regarding the fair and equitable administration of this Policy and any relevant legislation.

## **7 – Policy Regulations**

- A. Employees who are selected for jury duty will be granted paid leave for the duration of the duty, where such attendance is during regularly scheduled work hours. If the employee receives compensation from another organization/government for jury duty, the employee must assign the compensation for such duty to the Municipality. Pension, benefits and leave entitlements continue.

- B. If an employee is subpoenaed as a witness in any court proceeding, arising from their employment with the Municipality, the time will be considered regular work time and will be coded as REG.
- C. If an employee is subpoenaed as a witness in any court proceeding, arising outside their employment with the Municipality, they will be granted unpaid leave for the scheduled hours of work spent as a witness. Alternatively, the employee may choose to use vacation, time in lieu, personal days leave, etc. providing there is sufficient leave available in the employee's bank. Pension, benefits, and vacation and sick leave accrual will be pursuant to the leave chosen.
- D. The Municipality is required to keep confidential any information received in relation to a protected leave of absence taken by an employee. Employers must not share the information except in situations where: 1) the employee has consented to the information being shared; 2) an agent or employee of the employer, such as a manager, needs the information to do their job, or 3) the law requires that the information be disclosed.
- E. The Municipality must accept the employee back to the same position held by the employee immediately before the leave began, or, where that position is not available, in a comparable position with no loss of seniority or benefits when the employee returns from the leave.

## **8 – Repeal**

NA

## **9 – Effective Date**

January 6, 2022

## **10 – Related Policies and Practices**

Internal:

- Vacation Policy
- Overtime Policy

External:

- *Nova Scotia Labour Standards Code*  
<https://novascotia.ca/lae/employmentrights/docs/labourstandardscodeguide.pdf>

## **11 – Policy Review**

Review every year.

## **12 – Contact**

MyHR@halifax.ca or 902-490-6145.

## **13 – Attachments**

NA